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An Examination of Violence in the Farm Labor Dispute, October 2, 1973

Assembly Select Committee on Farm Labor Violence

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MEMBERS

KEN MADDY
LEO McCARTHY
ERNEST MOBLEY
ALAN SIEROTY
BOB WOOD

STATE CAPITOL
SACRAMENTO 95814
TELEPHONE: (916) 445-7587

Lorenzo Patino
Committee Consultant

Mari Peterson
Committee Secretary

California Legislature

Assembly Select Committee

on

Farm Labor Violence

RICHARD ALATORRE
CHAIRMAN

KENNETH MADDY
Vice-Chairman

AN EXAMINATION OF VIOLENCE IN THE FARM LABOR DISPUTE

Fresno, California

October 2, 1973

NON-CIRCULATING

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FRESNO HEARING

Fresno County

This was the second of a series of three hearings held by the Assembly Select Committee on Farm Labor Violence. The purpose of the hearings was to examine the incidents of violence that had occurred during the labor disputes of the summer of 1973.

The hearing in Fresno was held on October 2 and included an examination into the problems that had occurred in the County of Tulare.

The Committee held hearings in three cities. The first one was held on October 1 in Bakersfield to examine the farm labor violence in Kern County. The final one was held on November 26 in Palm Springs to examine the violence in Riverside County and the statewide licensing of security guards.

The initial focus of the Committee inquiry was to be limited specifically to the farm labor dispute. However, as a result of testimony developed at the Bakersfield hearing, the Committee agreed with the suggestion of the Chairman to expand the final hearing into the problem of the licensing of security guards in California.

Assemblyman Robert Nimmo served as a member of the select committee.

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ASSEMBLY SELECT COMMITTEE

ON FARM LABOR VIOLENCE

Fresno, California

October 2, 1973

LIST OF WITNESSES

Cesar Chavez, President, United Farm Workers of America

Frank Campos, UFW Member

Jack Pandol, Grower

Dolores Mendoza, Farm Worker

Asst. Sheriff Bruce McKinney, Fresno County

Capt. Forrest Barnes, Tulare County Sheriff's Office
(Representing Sheriff Robert Wiley)

Sgt. Tim Johnson, Tulare County Sheriff's office

District Attorney William A. Smith, Fresno County

Jim Mizeki, Nisei Farmers League Representative

Pete Herman, Grower

Luis Soto, UFW Member

Ray Huerta, UFW Member

Dr. John Rodebaugh, UFW Physician

John Smoot, Supervisor and Special Agent, California Department
of Justice

George Kitahara, Fresno County Farm Bureau

Bruce Burkdoll, Central California Farms

Mr. and Mrs. Ramon Salinas, Farm Workers

District Attorney Robert Bereman, Tulare County

Liza Hersch, UFW Legal Aide

ASSEMBLY SELECT COMMITTEE
ON FARM LABOR VIOLENCE

Fresno Convention Center
Fresno, California
October 2, 1973

CHAIRMAN RICHARD ALATORRE: The meeting of the Select Committee on Farm Labor Violence is now called to order.

Before I make my introductory statement, let me introduce to you the members of the Committee. On my right, is Assemblyman Bob Nimmo from Bakersfield. On my left is Assemblyman Ernie Mobley from Fresno and Assemblyman Ken Maddy from Fresno. Before I outline the limits of the testimony to be taken, let me emphasize that the purpose of the hearing today is to try to determine and evaluate the control of violence such as appeared during the recent farm labor dispute.

I would like to make the purpose of the hearings very clear at the outset. We are here to develop evidence which can contribute to more effective legislation dealing with the control of violence during the dispute such as those that recently occurred in Coachella as well as the San Joaquin Valley.

I would like to inform everyone from the start that my sympathies lie with organized labor and that in this dispute I have been on record in support of the efforts of the United Farm Workers headed by Cesar Chavez. However, while I have sided with the United Farm Workers in their efforts to organize farm workers, I've had the warmest working relationship with the Teamsters Union and support its goals fully in every area other than this present farm labor dispute. Now, other members of the Committee might have a different evaluation of this situation, but what I am seeking

to make very clear at the start of the hearing is that the merits of the jurisdictional dispute between the United Farm Workers and the Teamsters have no relevance here at this hearing.

We are here to see that the constitutional rights of strikers as well as non-strikers alike are protected. Protection of all citizens is an inherent right including the right to organize peacefully. I, therefore, intend to rule out of order any attempt from any source to use today's hearings as a sounding board for or against trade unionism for farm workers. We will concentrate on the violence that took place in the fields, not only here in Fresno County, but also the violence that took place in Tulare and Riverside Counties.

The recent agreement between the United Farm Workers and the Teamsters moves far towards a solution. Mass confrontations and labor problems have, however, characterized the agricultural industry here in the State of California. This Committee seeks constructive approaches for the elimination of violence in order that efforts to organize workers can be carried out in an orderly manner consistent with the practices of management and labor in every other area of our system.

Now, I want to make it clear that yesterday we had a very lengthy hearing, and there were people who attended the hearings in Bakersfield who were unable to testify and we plan to listen to them here today. For that reason the agenda that some of you have is going to be altered somewhat.

Let me introduce to you the first witness that will be testifying before our Committee -- the President of the United Farm Workers of America -- Cesar Chavez.

MR.CESAR CHAVEZ: Mr. Chairman and Members of the Committee.

Yesterday we were in Bakersfield and today here in Fresno we have much of the same. I want to start out with the whole area of injunctions. To start out I'd like to say that it's our opinion that injunctions that were handed against the Union were all pretty much the same, and we wondered whether the judges in the three different counties, Kern, Tulare and Fresno, did not by prearrangement decide what kind of injunctions were going to be handed down against us. As a result of the injunctions in Fresno County, over 19 hundred people were arrested!

We had injunctions that prevented us from picketing any closer than 100 feet from each other; injunctions where it was illegal under the injunction to picket at the entrances; injunctions prohibiting us from following the strikebreakers to their homes so we could talk with them; injunctions against the use of the bullhorn so we could relate our message to the people inside the fields; and also injunctions preventing and prohibiting the right to assemble, a right settled by the Supreme Court of the United States, the right of people in labor camps. We had injunctions that were improperly served. We had injunctions where the property being protected was not stated in the injunction. We had injunctions that had nothing to do with the specific activities of the Union. We had injunctions where one grower would sign for six, seven, eight or ten of the growers. We found that the judges were extremely eager to issue the injunctions, but were really slow and hesitant and unwilling to deal with the people's rights of being released on their own recognizance. Out of the injunctions that were issued to us this summer in four or five counties, I would say that Fresno, Tulare and Kern Counties were by far the worst. The whole idea of the injunctions seems to me was to use them for the purpose of breaking the

strikes, and not for any of the purposes but to regulate to the wishes of the employers, to render our picketing as ineffective as possible, thereby breaking the strike. And so we had no other choice the only judgement we can make with regard to the injunctions of the judges in the three county areas is that they were extremely harsh, and they were indeed issued against us because of the vast political power the growers have over the judges. That the judges did not in fact act in a reasonable manner in dealing with the injunctions. And if there is to be any legislation in this State it should be prohibiting the handout of injunctions like handing out popcorn. We are displeased with the judges in these three counties and we know that they were instrumental in breaking our strike and rendering our picketing ineffective.

In Fresno County we had a different situation where they organized bands of growers. The grower in Fresno County is by far smaller than in the other counties, and so consequently there was an organized group of growers that followed us everywhere we went, threatened us and they were armed with guns, clubs, knives, grape stakes, pipes and so forth; and threatened us in many cases wherever we went. There were as many as fifty growers at those picket lines. They were there for the purpose of trying to render our picketing ineffective, but also they had a lot to do with the interference of those workers in those fields making up their minds in determining whether they were going to join the strike or not.

CHAIRMAN ALATORRE: Excuse me. Mr. Chavez, Mr. Maddy has a question.

ASSEMBLYMAN KENNETH L. MADDY: Mr. Chavez, the injunctions that were issued out of the court (and I don't want to debate the issue that you raised in terms of the judges and what they did) what I want to get at is whether or not it was the intent of the Union, once they

were issued, to violate the injunctions?

MR. CHAVEZ: The Union decided after a time was set against us by the similar injunctions throughout the State, and after arguing to no avail with the judges who were issuing the injunctions that we were in fact committed to disobey what we consider to be unconstitutional and illegal injunction. That's right.

ASSEMBLYMAN MADDY: And the pattern in Fresno County as well as what we heard yesterday in Bakersfield, Kern County, was for whatever reasons you determined that you were not going to comply with the injunctions by the court -- that you were going to seek, you say, civil disobedience of those injunctive orders and seek arrest. Is that correct?

MR. CHAVEZ: We had one purpose in mind, our constitutional right. It is the custom when you issue an injunction to challenge the injunction. There is nothing illegal about that. That's a perfect legitimate way of testing injunctions, as you well know.

ASSEMBLYMAN MADDY: And the intend was to seek arrest. In other words, by testing the injunctions, you sought arrest here in Fresno County. Is that correct, in mass numbers?

MR. CHAVEZ: We weren't doing the arresting. We were being arrested. And we were arrested in large numbers, over 19 hundred arrests, and all of them unconstitutional.

ASSEMBLYMAN MADDY: It was the intent of the Union to do that. Is that correct?

MR. CHAVEZ: That's right.

CHAIRMAN ALATORRE: Let me ask you a question, Mr. Chavez. What differences did you see in the restraining orders and the injunctions that were issued here in Fresno County in relationship to the types of injunctions that were put against you in either Kern or in Riverside County?

MR. CHAVEZ: Well, in Riverside County they had to send injunctions. In Riverside County they had one injunction that prevented us from picketing at all which is totally against our constitutional rights. After we talked to the Judge, he brought both parties and the injunctions were modified. We were fighting for the right to picket...the right that all workers have, to try and save the Union. And so the Judge in Riverside County gave us the right to have a limited number of pickets across the street, and it worked well.

CHAIRMAN ALATORRE: How about here in Fresno County?

MR. CHAVEZ: They wouldn't. Even though we talked to them and even though we proved to them how well it worked in Coachella, they refused to do it because they were bent on breaking the Union through the illegal and unconstitutional injunctions which is a constitutional right of workers in this great State of California.

CHAIRMAN ALATORRE: With whom did you have principal communication in your attempts to modify the injunctions that were issued against you here?

MR. CHAVEZ: Our attorneys worked day and night with the judges who were issuing the injunctions. It wasn't that we got the injunctions and then went over to get arrested. We did everything we could, you know, before we started to break the injunctions, of course. I'd like to point out that this is the first time we broke injunctions in over 11 years of striking and picketing. Let me give you an example; in 1965 we struck in Delano and the only injunction we had was that we had the right to have 10 pickets inside an entrance. We fought the injunction in court. From that kind of injunction all the way down to saying that we could have one picket for every 100 feet, which is ridiculous, we started fighting back because we knew if we didn't fight back over the course of the years, next summer when we go on strike again, we won't

have the right to strike after we decided that it was high-time that we did what we thought was right and not only the right for farm workers to strike, but the rights of Teamsters and other unions as well.

ASSEMBLYMAN ERNEST N. MOBLEY: Mr. Chairman, I have a question on the injunctions.

CHAIRMAN ALATORRE: Yes, Mr. Mobley.

ASSEMBLYMAN MOBLEY: Mr. Chavez, you mentioned in your remarks that the injunctions were improperly served. Could you be specific about that?

MR. CHAVEZ: Yes, I can be specific. There were cases where the sheriff's deputies were serving injunctions on an unknown picket. They would say, "Here's an injunction." They didn't get the name of the picket and didn't serve on the officers. There were cases where we were arrested, and we can go to court and prove that we were being arrested on injunctions that were improperly served and the Union didn't even know the injunction existed.

ASSEMBLYMAN MOBLEY: What did you do about those improperly served injunctions?

MR. CHAVEZ: Oh, we complained to the sheriff. We went to the judge. We got no relief. There were cases where injunctions were served that had the property description of one ranch, for example, they have the property description at ranch A, yet the injunction was for ranch B. They issued out injunctions...all sorts of injunctions. There were stacks and stacks of injunctions that were issued against us and the sheriff couldn't keep up with that.

CHAIRMAN ALATORRE: Mr. Maddy.

ASSEMBLYMAN MADDY: Mr. Chavez, I'm not sure you can testify to this but perhaps you can. If not, perhaps one of your lawyers. There was something in the newspapers here in Fresno County, in terms of the

initial hearings that were conducted on the injunctions, the question of whether or not the attorneys from your Union were present at that time? I know that some of the injunctions were modified here in Fresno County. Can you tell us or testify as to what happened and whether or not the Union attorneys were present at those initial hearings to make argument? I know that was raised by one of the courts.

MR. CHAVEZ: They were present. What happened in some instances, not only in Fresno but in other areas, was that the injunctions were issued ex parte, without the lawyers. In other words, the injunctions were issued against us without any advice to the Unions that we could have the attorneys present...we were not present when we were not advised. Imagine the ridiculous position of the court enjoining a union when not advising us or at some time calling us an hour or two hours before--it takes about two and a half hours to get from where we live to the courthouse. These were the times we were not present.

CHAIRMAN ALATORRE: Please continue, Mr. Chavez.

MR. CHAVEZ: There ought to be some legislation in this area. We were severlly restricted. Our constitutional rights were taken away from us. We had no recourse and that's shameful for this county. We can understand that in Tulare County, but for Fresno County to do that, that's very shameful.

We had the case of the growers in Fresno County..I think there was one arrest of the whole bunch...almost two thousand farm workers arrested. On the other hand, I think there was only one arrest of a grower.

CHAIRMAN ALATORRE: It's your testimony that the only people were arrested during the farm labor dispute here in Fresno and Tulare County were farm workers, the United Farm Workers and that other people,

either growers or people hired by the growers, were not arrested for any violation?

MR. CHAVEZ: Yes, that's my testimony. One wonders when you have all of the county facilities in Fresno County and the workers, the union, the strikers, and the attorneys for the farm workers' union making daily and constant demands and complaints on some of these growers and they were not arrested. It's the record and it speaks for itself. We're going throughout the country letting everybody know about these things. If they are willing to go to the extreme of unequal protection of citizens under the laws, they go to extremes to break up strikes, then they are well deserved to be told all over the country what they did here in California, especially in Fresno and Tulare Counties.

ASSEMBLYMAN MADDY: The pickets were arrested, as I understand it, for picketing in violation of the injunction. What is the violation of the law for which you think the growers should have been arrested?

MR. CHAVEZ: Let me just inform you, we were not only just arrested for violating the injunction. There were many cases where the sheriffs took it on themselves to call a picket line an illegal assembly and thereby arresting us because it was illegal assembly. This is very ridiculous.

ASSEMBLYMAN MADDY: Let me ask you a question...what was the violation committed by the growers for which you think the growers should have been arrested?

MR. CHAVEZ: There were complaints against the growers for harassing the people and threatening our people, and the police would not arrest them. These are the things that I am directing myself to. I think that all of us are losers, not only the farm workers but all the citizens in the County of Fresno are losers when we have

this kind of one sided law enforcement. In the minds of people in this County and Tulare County, they still think that we don't have the right to exist as farm workers and we don't have the right to strike and build a Union. And as long as that mentality is there, they are pretty much what the sentiments were against the blacks, some of the scenes that took place and some of the things that took place in the South during the civil rights movement. Now, we have the question of the Fresno Sheriff's Department. You see, somewhere down the line, Fresno, Tulare and Kern County made up their minds that they were going to deal with us and make their own kind of special laws for us..they were going to make the laws themselves.

ASSEMBLYMAN MADDY: How can you testify to something when you admit you were not there? Are the other nine here?

MR. CHAVEZ: We'll have them on. But you see, they were being harassed by the police in all the three counties. In the County of Riverside I didn't hear personally of one officer who made any racist remarks against the Mexican people. But in Kern and Tulare and especially in Tulare and Fresno, it's done all over the place. These men were being harassed inside the jails. There they were making fun of their ancestry.

CHAIRMAN ALATORRE: What types of indignities were these?

MR. CHAVEZ: Dirty Mexicans was a very common expression. Its outright racism of the worst kind. They ought to know that we are Americans too. Maybe we do not look like them, but we're still Americans. The women were not allowed to make phone calls..I'm talking about the early jailings in Fresno County..not allowed to make telephone calls. They were not given medication. We went there to visit the jail and there were men there that had not been able to get a toothbrush to brush

their teeth in three or four days. Then they had a very wierd feeding schedule. They had a schedule where they fed their prisoners at four o'clock in the morning, and then they gave them food about nine or ten o'clock in the evening. They went 15 or so hours without food in between. We've talked about the plastic handcuffs. We have cases here where they took those plastic handcuffs and tied them up so snugly against the men and women that they still have some problems with circulation in the hand area. The people were treated very roughly, indeed.

Now we have, the cases of juvenile hall. Some of the people were being arrested, some of the young men and women wound up in juvenile hall and were given summary probation. They were not permitted to have anybody to defend their interests and were told that if they were released and if they ever came again, they would then be made a ward of the court.

CHAIRMAN ALATORRE: How many juveniles to your knowledge, approximately were arrested during the farm labor disputes?

MR. CHAVEZ: In Fresno County there was a large number..roughly about fifty. I don't have the exact number. And then they brought in the parents who were also strikers and they were told that, "provided that you agree that they will not go on the picket line," and in some cases they were also told that, "it would probably be a good idea if you, the adult, the mother and father, would not go on the picket line too." That's an example of taking the police power a step too far. To use that kind of police power to discourage our men and women from being on the picket line.

ASSEMBLYMAN MOBLEY: Mr. Chairman, I have a question of Mr. Chavez. Were these youngsters members of the United Farm Workers?

MR. CHAVEZ: Yes. They were members of the United Farm Workers and also workers, 16, 17, 18 year old kids, you know. And, also kids that were with their parents at the picket line. In some cases, the kids were penalized because the father and mother were in jail and the kid was in juvenile hall and he could not be released because he couldn't be released to anybody but the custody of the parents..but the parents were in jail. And we couldn't move either the jail or juvenile department to try to get them released to some other relative. How in the heck do we get the father and mother if they are in jail to have these children to be released to them? It seemed like the whole county government was determined to take our rights as men and women to strike, with all of these police powers at their disposal to do us in. When we went to the county jails we got reports that they couldn't take showers because the hot water was on but the cold water was off and it was too hot to take a bath. I remember that once in one cell block the prisoners were complaining that there was stench, that it was smelly inside. There was a sewer pipe that was leaking and I'd been calling that to the attention of the jailer that it had not been fixed. When I was there it was still going on. After the religious people were jailed and after we got the justice department, and just as I made the first initial movement in Fresno, things changed in Fresno. I have to admit that.

CHAIRMAN ALATORRE: How did they change?

MR. CHAVEZ: From that point on the jailers and the sheriff tried hard to deal with the strikers fairly. I think that they opened up for visiting, they brought them medication. ...after they got some heat, they were okay.

ASSEMBLYMAN MADDY: Mr. Chavez, can you tell us the date that the incident occurred with the nine strike captains?

MR. CHAVEZ: Yes, I think I said that was the night of July 20th.

ASSEMBLYMAN MADDY: July 20th. And you made one visit to the jail yourself, is that correct? Do you have that date?

MR. CHAVEZ: No, I think it must have been about a week after that date.

ASSEMBLYMAN MADDY: That was in the company of Senator Moscone? And I was present, was I not?

MR. CHAVEZ: Yes.

Then, we have Tulare County. I'd say that Sheriff Wiley in Tulare County and that sheriff's department, we've been in many, many strikes and we've been in places like Florida and Texas and I'd be willing to say that even though the Texas Rangers were extremely brutal to us, we haven't seen anything anywhere as bad as the Tulare County Sheriff against our people. Not only this last summer but even in the summer in 1972 and even before that where they made up their minds that they were going to run us out of the county..they have no right, no right to stop us workers from striking.

ASSEMBLYMAN ALATORRE: Tulare County, in what ways were the Tulare County....

MR. CHAVEZ: The Tulare County has organized tact squads, it's a riot squad...people call it the goon squad. Their job is to be there to use their accepted power to harass the workers. I was present on more than one occasion where a truck was moving out of a vineyard and there was no one even attempting to block the truck from leaving, yet the tact squad got out and began to harass people. Congressman Roybal was there. We took some pictures. They began to use their night sticks to push people and to generally harass them in such a way that it was discouraging for people who are trying to build a Union.

There were also many, many instances where the members of the tact squad were...they got a big charge out of making lewd gestures to the women and the girls in the picket line. They are well known, you know. We have all kinds of affidavits on that. There were at least three occasions where a member of that tact squad which was formed with the specific purpose of harassing us went over and threatened to kill one of the picket captains and some of the strikers. He said outright, "If you come back, we are going to kill you."

CHAIRMAN ALATORRE: Do you have the name of that person?

MR. CHAVEZ: Yes. We also have him here as a witness.

CHAIRMAN ALATORRE: Later on. Let me ask you a question, Mr. Chavez. What type of relationship did you try to establish with the law enforcement agency, the Sheriff mainly, in efforts to make complaints about some of the things that were going on that you felt were in violation of your workers' constitutional and civil rights?

MR. CHAVEZ: The usual procedure is that we send one of our attorneys to the Sheriff, or anyone we may designate, to try and set up the working relationship.

CHAIRMAN ALATORRE: And what was the response?

MR. CHAVEZ: None in Tulare County, because we lost the communication with that county several years ago. We had a very bitter strike there last year and all it did was organize better and we're waiting for it this summer...they were twice as vicious against us this summer as they were last summer.

CHAIRMAN ALATORRE: But, efforts were made to open up the communication?

MR. CHAVEZ: Oh, sure.

CHAIRMAN ALATORRE: What was the response to your efforts to make communication with the Sheriff of that county?

MR. CHAVEZ: There was no response. To give you an example of how the people were jailed, they were kept in the Pixley jail, a small jail. They were kept there, and were overcrowded, they slept on cement floors. There was no bathing, there was nothing. There was one case, and maybe more, when they were being transferred from the Pixley jail to the Tulare County jail in one of the vehicles and the people inside were complaining that they were maced inside the vehicle. One of the officers maced them inside the vehicle and I thought they were going to die there.

CHAIRMAN ALATORRE: Was a complaint made?

MR. CHAVEZ: Yes, it was made?

CHAIRMAN ALATORRE: Is there a person here who was maced?

MR. CHAVEZ: No, all of them are away on the boycott, but we do have the affidavit.

CHAIRMAN ALATORRE: Could you submit them to the committee?

MR. CHAVEZ: Yes. After some of the very rough handling by the tact squads and some of the jailings in Delano and in Southern Tulare County, our people went to protest at the Visalia County jail. Now, we have done this all over the country. Well, you'll be suprised to know that the Sheriff deputies came out and maced us out there on the public street, and would not let us demonstrate in front of the county jail on the sidewalks. They were so concerned about their image.

CHAIRMAN ALATORRE: What date did that situation occur?

MR. CHAVEZ: I will go and get it for you.

Injunctions were just a dime a dozen, you see. And we know we have no recourse. We are not just kidding ourselves. We have got so many strikes against us. I think that the only recourse we have left in the case of Sheriff Wiley is to recall him. Making the public aware and giving us a tribunal, giving us an opportunity so that we can go to the public and say, in each county, "This is the thing that I can do." To the people in Tulare County, say this is the thing that I can do. If the people in Tulare County are willing to accept Sheriff Wiley, then let them re-elect him. I think the thinking goes for some of these counties, where the judges and these men are involved. We have no recourse. We know that there is a lot of talk about equality and justice; we know what is happening to us. There are just too many strikes against us. Let me give you an example of the attitude of the Tulare County Sheriff. This is inside the jail, upon the release of two of our pickets. Let me read here a very short affidavit:

I, the undersigned, Fernando Rios declare that I am a member of the United Farm Workers Union, AFL-CIO and that I reside at 411 Dover Street, Delano, California. That I was released from the Tulare County jail in Visalia on July 25, 1973 at about 3:00 p.m. My friend Carlos Reyes and I were walking from the exit at the back of the jail toward the front, when about five Tulare County Sheriffs came out of the room where they were eating and blocked our way. Each of them had push-button knives, they told us to go around them. But we tried to continue on our way off the sidewalks. One of the Sheriffs then stuck the knife in my ribs and threatened

to push the button which would open the thing into my ribs. Finally, Carlos pulled me away and we walked around them towards the ramp and away from the jail. I submit this under penalty of perjury that the foregoing is true and correct.

This is an idea of what we are up against. And they can't hide that, it is a fact that it is there. And we are upset about it, and we are going to let the whole country know about these things.

ASSEMBLYMAN MOBLEY: Could I ask a question? Did they file any complaint against those officers?

MR. CHAVEZ: Assemblyman, by that time, no, we did not. We couldn't get them to arrest a third party. We know we are not going to get them to arrest themselves. We didn't do it. We have affidavits and declarations.

CHAIRMAN ALATORRE: Can we have a copy of that declaration? Were they able to identify the officers, either by badge number or by...

MR. CHAVEZ: Yes, I think so. I think they can also be identified. We stressed on them that we need some identification for later court action, or testimony for a committee such as this.

CHAIRMAN ALATORRE: Very good. Could we hear from a couple of your witnesses and then, only in a point of fairness, I would like to listen to some of the other people.

MR. CHAVEZ: I want to ask Mr. Frank Campos to describe to you what happened. He is one of the witnesses that was made to run the gauntlet inside the jail. Frank Campos.

CHAIRMAN ALATORRE: Could you just state your name for the record?

MR. FRANK CAMPOS: The name is Frank Campos and I live at 822 "P" Street, Sanger, California. I worked for Bar Packing Company for three years. I was laid off in February of this year after the pruning...

they started hiring back in April, they told me there was no contract and no work. I went on the picket line -- on strike. I was arrested the first time by Parlier, not on Bar property, but on the adjoining property.

CHAIRMAN ALATORRE: What day was that, sir?

MR. CAMPOS: I think it was the 19th of July.

CHAIRMAN ALATORRE: Continue.

MR. CAMPOS: And I was released the same day at 2:00 p.m. On the second day, I was arrested again on another ranch. I think it was the 20th of July. The incident happened on the 21st of July in the Fresno County jail. We were separated as agitators. We were pointed out by one of the deputy's who had arrested us and had known us previously.

ASSEMBLYMAN MOBLEY: Do you know the name of the deputy, sir?

MR. CAMPOS: The deputy was Banuelo. He pointed us out as agitators and put us in the county jail.

ASSEMBLYMAN MADDY: How many people did he point out besides yourself?

MR. CAMPOS: There were eight including myself. In a cell that had bunks for eight men.

ASSEMBLYMAN MADDY: Were each of the nine members arrested strike captains? Were you a strike captain?

MR. CAMPOS: No, sir.

ASSEMBLYMAN MADDY: Were any of them strike captains?

MR. CAMPOS: I think one or two of them were. I am not sure.

ASSEMBLYMAN MADDY: Mr. Michael Drake was one of them. Do you know the others? Do you know some of the names of the others?

MR. CAMPOS: Michael Drake and Michael Gonzalez.

ASSEMBLYMAN MADDY: Mike Gonzalez was a strike captain, was he not?

MR. CAMPOS: I think so, yes.

ASSEMBLYMAN MADDY: Do you know the others?

MR. CAMPOS: Juan Salezar.

ASSEMBLYMAN MADDY: Juan Salezar was a strike captain, was he not?

MR. CAMPOS: Yes sir. The one Mr. Chavez had pictures of, he was not a strike captain.

CHAIRMAN ALATORRE: And you were confined in the county jail, separated from the rest of the strikers.

MR. CAMPOS: That is correct.

CHAIRMAN ALATORRE: And you were confined on the second floor?

MR. CAMPOS: In cell 203.

There were bunks there for eight men and there were nine men in that cell. One man had to sleep on the floor.

CHAIRMAN ALATORRE: When you were pointed out at the time you were arrested, what was said by the officer that pointed you out as to why you were being segregated away from the other people?

MR. CAMPOS: He didn't say. We were getting off the bus and he said, that one, and that one, and that one, and that one. After we got inside the jail, they called our names out.

CHAIRMAN ALATORRE: Thank you, sir, you may continue.

MR CAMPOS: The night of the 21st at 9:00 p.m. in the nighttime, the other prisoners were locked in cell 203, and they were angry because the speaker was not turned on -- they usually had the radio turned on -- that night they would not turn it on. So they were very angry, sir, so they said we will start a fire. They were convicted, they were sentenced. We were not convicted, we were waiting to be charged or released.

ASSEMBLYMAN MADDY: The nine of you were in a cell, but you were not with any other prisoners. The nine of you were together, there

was no other convicted felons?

MR. CAMPOS: Not in our cell, no. In the adjoining cell they were very angry, and they started the fire. The smoke got pretty thick in there, and I started to fan myself with a hat but that didn't work; so then I got a towel and put it on my face. The other men said, "Give me a piece and we tore it into little pieces so that each man got a piece. It covered our face, our nose and our eyes. The man who started the fire said, "Hurry down to the end cell." So then, they pressed the button and called the desk sergeant and said there was a fire in cell 203. They came in with a whole load of equipment and put the fire out. They hosed our cell down and they left the hose in the hallway. They lined up the deputies in the hallway. My first reaction was to put my arm up like that and to defend myself with my arm. They hit me on the elbow, and they scratched me right across here. We came out, we ran down the hallway, some of the men slipped. When they slipped, because the hallway was wet, the hose was there -- when they slipped and fell, they were kicked when they were down. I started to fall, but I wouldn't go all the way down.

Mr. Chavez mentioned that we were Americans. This morning I voted in Sanger and here is the poll ticket. Take a look, I am not one of those that you call the green card holders. I served twelve years in the military service.

ASSEMBLYMAN MADDY: Mr. Chairman?

CHAIRMAN ALATORRE: Go ahead.

ASSEMBLYMAN MADDY: Have you given your testimony to any other group?

MR. CAMPOS: I have sent a written statement to the FBI to be sent to Washington under the civil rights.

ASSEMBLYMAN MADDY: There was an investigation by a committee of citizens of this community in Fresno in regard to that incident. Did you testify before him?

MR. CAMPOS: No. I did not, the only one was the FBI. And here also.

ASSEMBLYMAN MADDY: The Justice Department looked into this incident? Did you testify before them?

MR. CAMPOS: No.

ASSEMBLYMAN MADDY: Thank you. Do you have anything else?

MR. CAMPOS: I was in that same jail ten years ago. And now, its the same rotten jail it was then. You see on TV those castles with dungeons? That is what it is like on the inside. Less beautiful on the outside, but they will have to fix the inside. We are human beings. I thank you.

CHAIRMAN ALATORRE: Thank you very much. Any questions? Mr. Chavez.

MR. CHAVEZ: We don't have any more witnesses at this time. We are waiting for two more witnesses to arrive.

CHAIRMAN ALATORRE: The next witness is Mr. Jack Pandol of Delano, California.

MR. PANDOL: If I hadn't been here this morning, I would be confused and wonder what county and what State I lived in, but being that I did hear these fabulous remarks, either my ears need to be changed or something. But, anyhow, my name is Jack Pandol. I reside at Route 2, Box 397, Delano, California. I and my two younger brothers farm in the general vicinity of Delano in Tulare and Kern County. I came here to put in the record what we think has caused the violence of this area, and what has happened. I believe that I am qualified. We have over a million dollars worth of damage. The packing shed and cold storage

was burned down. It is still not completed. An attempt was made recently by some of the Chavez people caught in the act, released and issues for warrants of arrests had been made. Again, after the informer was identified, the informer was shot, shot in the leg. Three bullets were thrown at him and one of them hit its marks in his leg; and at that time we felt that the district attorney could go ahead and put it on because he was evidently marked and known and was no more in hiding.

I was constantly in the fields at the time of the activities at Delano. We do not call it a strike, because in our own case, we never lost a worker in eight years. Our workers did not walk out. Therefore, it is not a strike. I am on the State Board of Food and Agriculture, and in its behalf I have worked with legislation that will solve and resolve some of these problems that have caused tensions and a lot of expenses and people have been hurt. I am active in the Delano Farmers Committee and I was head of the Farmers, of the Growers Security. And that enabled me the opportunity to see many of these problems. I go around and check on the police lines and security; and then I have also dealt with many informants that worked for the Chavez movement and when disillusion came to us. These informants were volunteers that coached me. They were disgusted with the Chavez movement; it was wrong, and they wanted to help us. As one said, Chavez is of the devil and must be stopped.

CHAIRMAN ALATORRE: Who was that person, sir?

MR. PANDOL: Do I have to give names?

CHAIRMAN ALATORRE: You are making an accusation.

ASSEMBLYMAN ROBERT P. NIMMO: Mr. Chairman, we have had accusations all morning and we haven't had any...

MR. PANDOL: Without giving the man's name, if I do not have to. I will give that, as long as it does not get back to the man.

CHAIRMAN ALATORRE: Okay, that takes care of it.

MR. PANDOL: There were several, both men and women, many came to us after our cold storage shed was burned down, over a million dollars worth of damage. We were told that certain growers were target growers and that plan, if we would not go under it, the rest would sign with the United Farm Workers. I will give you several specifics that were reported to me, and I advised the sheriff's department, both Tulare and Kern Counties, about all the growers that were to be involved. These were informants that gave us the information. In the evenings after the meetings at Forty Acres the information was passed on to us which said this was what would happen tomorrow. What I am trying to prove here is that this was a conspiracy. On several occasions, nails, I think they were called the Mexican Stars of David -- there were all kinds of names for them -- they were very vicious nails; the sheriff's department picked them up, we picked them up, other growers and different ones, including the pickets on some occasions. They plant them and get into them themselves, forget where they put them evidently, and that has caused a lot of hardship for many people and a lot of expense. They closed the roads coming out of the City of Delano. Several automobiles were injured, broken windshields, people were hit in the face, both strike workers, non-workers and people who were innocent of any of these particular problems. Information led to the arrest of three men who tried to plant a bomb in one of our water pipes. These men were arrested, they have been released.

Information lead to car burners, they were attempting to burn a pump. You were also told yesterday that the security met - were vicious, they shouldn't be armed, they caused a lot of damages and what have you.

ASSEMBLYMAN MADDY: Mr. Pandol, in the Delano area on your farm did you hire a security patrol?

MR. PANDOL: I did.

ASSEMBLYMAN MADDY: Were those organized or security patrol that were in existence prior to this farm labor strike?

MR. PANDOL: These organizations were in existence prior to this so-called hot summer. We had one man who has been with us for eight or ten years.

ASSEMBLYMAN MADDY: Could you tell us what security patrol was working, for instance, on any of the farms. Just give us an example?

MR. PANDOL: Delano Security.

ASSEMBLYMAN MADDY: They wear uniforms, is that correct?

MR. PANDOL: Yes, in most cases they wear uniforms.

ASSEMBLYMAN MADDY: Are those uniforms easily confused with the Kern County Sheriff or any other official law enforcement agency?

MR. PANDOL: Most do wear khaki with arm patches, do wear badges and do wear pistols.

ASSEMBLYMAN MADDY: Do you have any further knowledge of the qualifications of those men, whether or not they have been trained in any way as law enforcement men?

MR. PANDOL: That I cannot answer whether they have been schooled in that. The only thing I can tell you from observation, they seem to be of better than average intelligence. They try to stay calm in our instruction to them, only use weapons in defense of life.

ASSEMBLYMAN MADDY: If you would, were they any other instructions that were given to the security patrol that you hired? Would you outline for us the kinds of instructions that you as the grower gave to the security patrol that you hired?

MR. PANDOL: Yes, in fact, I outlined a reason we had to put them on.

ASSEMBLYMAN MADDY: If you would answer my question.

MR. PANDOL: Okay, specifically. Why did we hire?

ASSEMBLYMAN MADDY: No. Tell me when you hired them, what your instructions as a grower were as to the security patrolmen?

MR. PANDOL: For example, last night the man that we have had here for about a month now decided to quit and become a carpenter. We put a new man on. This man was taken. He is instructed as to the types of work that they do. This man was shown the area that he would patrol -- our pump, buildings, packing shed, and etc. This is his job and he has a radio in the event of a problem. He is to notify the proper authorities. We do not encourage them to make arrests, because citizen arrests many times are very technical and touchy. We instruct them to hold the man, or take a license number and pass this on. This has been done on more and more occasions -- stealing of gas, attempting to set fires, and things of this nature.

ASSEMBLYMAN MADDY: What instructions did you give them regarding the use of firearms?

MR. PANDOL: In protection of life.

ASSEMBLYMAN MADDY: At any time did you as a grower prepare written instructions for the security patrolmen?

MR. PANDOL: We did not.

CHAIRMAN ALATORRE: To your knowledge did the Delano Security Patrol prepare any instructions to their men, in relationship to any particular situation that might occur?

MR. PANDOL: Yes, we talked to Mr. Parnell. I in particular talked to Dean Parnell who ran the patrol. He was for many years a reserve policeman on the Delano police force. He also was an active member of the Delano police force, so he is well-qualified as a police officer. He started this organization with several men -- I don't know the exact number. And he was told what we expected of them, and from my observations, the men acted properly.

CHAIRMAN ALATORRE: Let me ask you a question. Why did you deem it necessary to hire the security patrol, the Delano Security Patrol, and not at least work along with the various jurisdictions of law enforcement?

MR. PANDOL: There aren't enough. Because as Mr. Chavez has testified, there has been a thousand and two - this is day and night. You also heard Kern County Sheriff's Department testify that practically all of his men were on duty from 12 to 14 hours a day, six days a week, and also Sunday. I was also on patrol myself in the evening and I observed the Sheriff of Kern County. Boy Scouts, what do they call them, Rangers, or the Explorer Scouts. It was that the men were worn out and during the night for night patrol they used reserves and the Ranger Scouts or the Explorers...so the police department were past their limit. We had property. We had at one time four of our own, and each night I was out on my own with a car. We would check through radio communication our own units, and four men and myself was five. We had to protect our property..we were threatened.

I had information at that time that we would be threatened. I was threatened at the jail house in Bakersfield. "Farmer, you'll cry, you'll cry, you'll cry. We will teach you."

CHAIRMAN ALATORRE: Mr. Pandol, at any time during the height of the farm labor dispute, did you feel that possibly there was a need for more law enforcement officers to be brought into the area, and if so, were there any attempts on your behalf, or other growers' behalf to try and seek out some relief from the State of California?

MR. PANDOL: Yes, as a matter of fact, I told you, I'm a member of the State Board of Agriculture. I talked to the Director of Agriculture, Brunel Christensen. I talked to his assistant, Bill Collin. I talked to the man in the cabinet level, Mr. James Stearns. I also had an occasion to meet, as a State Board member, with the Governor of California, showed him the picture of our fires and the fact that we could not (there was an article that was supposedly written by George Baker) sell our lettuce in New York because we belong to the United Farm Workers of America organization. The gentleman put into print that we could not sell in Detroit. I passed this on to the Governor, he kept it for his use. Now, we went that far. I also asked that we be given additional help - such as highway patrolmen. I took this upon myself in a position of protecting food.

CHAIRMAN ALATORRE: Did you ever try to seek relief from the Attorney General who is the highest law enforcement officer in the State of California? I read a letter and I think that you were present. One of the things that we had asked because it appeared to not only the local Assemblymen, but myself as well as the Speaker of the Assembly that there was a need for more law enforcement officials to be brought into the Kern county area, as well as in Tulare county, because it

appeared to us that there was to be some breakdown in law enforcement, especially in Kern county. Were any attempts made to seek out any relief from the Attorney General? Either you or on the part of other growers?

MR. PANDOL: Yes, there is a man in this audience. He can identify himself if he cares to. He is with the State of California. I do not care to identify him. You probably know who I'm referring to. I spoke with this man on a couple of occasions. I did in my position as a grower. I did what I could and, in fact, I jumped on the sheriff and told him that these laws must be enforced. I had an argument with the District Attorney, but I will tell you this. When you have people who do not care to abide by the law, I don't care how many deputies you have, you can bring ten thousand down there, because the night is dark, the vines are cut, the trees are cut. You can't stop this. There is only one way to do it. Find the guilty, and get that top guy and tell him, "Boy, no more of this."

CHAIRMAN ALATORRE: Do you feel that, if you or the sheriff's department had more law enforcement officers available to him, possibly some of this violence as well as some of the destruction of property could have been averted?

MR. PANDOL: We had the security guards in every packing house in that area, I went personally....

CHAIRMAN ALATORRE: I am not talking about security guards. I'm talking about law enforcement officers. Do you feel that if...

MR. PANDOL: Yes, if you want to bring...would you say ten thousand in that area...five thousand, then we could. But you wouldn't do it, and we wouldn't....all right, bring them in. If we get enough law officers we could go to the ridiculous. I don't know what you are

driving at, but if you want to bring enough, I'd say, fine, bring them

ASSEMBLYMAN MADDY: Mr. Pandol, how many security patrol personnel were hired by the growers in your estimation in the Delano area?

MR. PANDOL: I cannot tell you the exact numbers. I do have the letter from one of the growers, Mr. Roberts, who had terrific problems of destruction of property. He wrote me a letter at the high point. He had 75 security men. This is for day and night. The Giumarra Corporation I understand had close to 70. In our own case beside my brothers and myself we had four on the payroll.

ASSEMBLYMAN MADDY: Was it the custom at this time to all growers to hire security patrol people?

MR. PANDOL: Yes, because our employees were frightened. They were threatened in their houses, they were threatened every place they went and they were asked, "Please get us somebody to help us and protect us."

ASSEMBLYMAN MOBLEY: Can I ask a question here? In regard to these security patrols. Are those people deputized by the local sheriff?

MR. PANDOL: Here are the law men I don't think I can answer that.

ASSEMBLYMAN MOBLEY: The thing that bothers me is in your testimony you said that the ... they wear badges and I wondered by what authority they wear the badge?

MR. PANDOL: Your Chairman has an identification but that doesn't necessarily mean that he is a police officer. You could have any kind of badge.

CHAIRMAN ALATORRE: We will be calling on the sheriff and if you can just keep that question in mind and respond to that question, I think that you probably would be in a much better position to respond

with more authority than Mr. Pandol, or any one of us.

ASSEMBLYMAN MADDY: I might say, Mr. Chairman, I think this is one area that concerns all of the members of this committee-- the use of security patrol. I understand, Mr. Pandol, that you and the growers have a position to protect your property. But I think, Mr. Chairman, it is an area that this committee ought to consider another hearing on, and on that alone, with the people of the security patrol agencies, wherever they may be, to look into their training. I'm sure Mr. Pandol agrees that it is a difficult situation at best to have armed men protecting their property. They are confronting in many cases the kinds of things that they had to face during the strike and I'm sure it is not their intention of losing a life or having that kind of complication. But you can agree and expose the situation.

MR. PANDOL: Yes, because..I can cite cases where I recall on an avenue, one security man and you bring in 150 to 200 pickets.. screaming and throwing rocks, what can he do? You would have to bring 150...your question a little while ago, I didn't mean to get a little bit nervous about it. But how many can you bring? Name the numbers. As it was described yesterday, more morale, 200 to 400. I remember one day it could have been a very serious situation with 900 converging on a grower's property down there. The Teamsters group was in there. They decided they were going to teach each other a lesson. I think it could have been very explosive. When you bring 900 bodies in.

ASSEMBLYMAN ALATORRE: But I just wanted to get it on the record because one of our concerns was additional assistance from the State --

to bring in more law enforcement officers -- which the sheriff in Bakersfield also attested to, in fact, requested--because he felt he was not equipped and because he had never been confronted with these situation before.

MR. PANDOL: That is true and I conversed with him. I had daily contact with the people down there, because I was also responsible for any grower or the growers' people who were out of order, and if we heard of any we got the people to quiet down, not to make any threats. Of course, this was rather difficult because they tell me to shut up and they keep threatening me. Like the Puerto Ricans -- do you understand Spanish? Calling them pigs, sons of perros in other words, sons of dogs. These are pretty harsh words. And the Puerto Ricans are very, very explosive people. It is a wonder that we didn't have blood flowing all over the place and we warned the pickets, "Don't do this; if you do, there is going to be hell to pay, because you are going to have to step over three brothers to get our workers." And at no time did they ever threaten. Our lives on the picket lines, or our workers after they did chase them once, we told them we didn't like that. Our workers are not to be threatened. We didn't take that very kindly. But here is the reason we hired the security through the agency in all cases. Extra protection needed to protect fire from piles of boxes in the sheds, threat to the equipment such as tractors, trucks and other equipment, cutting of logs and trees, orders from the union bosses to get the workers out of the field. These security men were armed and instructed only to use the weapons for protection of life. The violence that has taken place this past summer since the Delano contracts expired with the United Farm Workers of America was almost exclusively caused by the

United Farm Workers of America efforts to prevent the regular seniority farm workers in this area and those from other areas who year in and year out supplemented the local work force going to work in the morning. Or asking them all day while they are working, attempting to prevent them from leaving the ranches at the end of the day. Following them home at night and intimidating them at their homes. Before I proceed to describe their violence in more detail, let me comment on the rights of the various parties involved. First, we believe that the workers have a right to organize for collective bargaining purposes.

CHAIRMAN ALATORRE: There is going to be another hearing dealing with the whole question of the rights of farm workers to organize, of secret ballot elections and the like. We're concerned with the violence.

MR. PANDOL: Okay, I only touch on this. This isn't a speech on how to organize unions. If you will hear just this one paragraph, we want to say that we are not anti-union, or not this and that. I think our colors have been shown clearly over the years. We don't like certain arrangements but other arrangements we tolerate. First, we agree to the worker's right to organize for collective bargaining. Second we believe that workers who are dissatisfied with the wage and working conditions have the right to engage in peaceful picketing. Third, we believe these workers who choose to work have a simple constitutional right to do so without being molested or without having the right abridged. I mention this only because the whole controversy in Delano and most of the violence that occurred related to this right. The entire United Farm Workers of America strategy was to prevent the normal work force from work and just to stop the harvest and force the farmers to sign with the United Farm Workers of America. The constitutional right of the farm workers to work and earn a living

for themselves and their family was interfered with by the United Farm Workers of America every day for about a month. This interference in itself is flagrant and widespread enough to justify an investigation relating to how the interference took place, who participated in it and who directed it. Indeed the farmers have turned approximately 300 declarations describing United Farm Workers of America violence, signed under penalty of perjury, over to the FBI along with a request for the investigation of the FBI into the violence by the United Farm Workers of America and the abridgement of the United Farm Workers of America, of the farm workers' constitutional right to work.

As I indicated most of the violence in the Delano area arose from the simple fact that the regular seniority employees were attempting to go to work at the harvesting of the grape crop. In the morning the United Farm Workers of America pickets were attempting to prevent workers from reaching the ranch. This was attempted in various ways. First, masses of United Farm Workers of America pickets would gather at the home of the crew foreman who often had buses which they drove around the neighborhood to pick up the workers so as to block the foreman from getting out of his driveway. Specially made nails were thrown over the driveway in order to puncture his tires and then prevent him from moving. Once out of his driveway he would be followed by bands of pickets who would attempt to run him off the road. When he reached the farm worker's home, the picketers would attempt to prevent the workers from getting on the bus. Another United Farm Workers of America tactic was to prevent the workers from reaching ranches in the morning. The picketers would also go to the company or public-owned housing facilities and block the entrances so that the workers could not leave the housing facilities. It was then necessary to call the sheriff's office to have deputies come out and clear the path so the

workers could go to work. Workers who lived at home preferred to drive their own cars to work but were often blocked in their driveways in the morning by United Farm Workers of America picketers. One morning hundreds of United Farm Workers of America picketers blocked every entrance and exit to the City of Delano and attempted to prevent the entire farm worker population and unrelated parties in Delano from going to work.

These attempts by the UFWOA to prevent workers from going to work often involved physical violence against the non-striking worker or his property. On occasion the farm worker in self-defense would strike back.

CHAIRMAN ALATORRE: Excuse me, do you have any affidavits from any of your workers as to violence that was inflicted upon them by either members of the UFWOA or other people?

MR. PANDOL: We have submitted affidavits as I stated earlier, and I'll repeat, we have 300 of these types of sworn affidavits for injunction purposes and otherwise that were submitted to the FBI. We met with Conrad Shaw of that department - three growers and myself talked to him. It was in the news that we did this and we asked them to intercede because their civil rights had been denied them and this was to be taken under submission. I have never heard any comments on it since then.

CHAIRMAN ALATORRE: Could you present some of the affidavits to our committee and could you make them available to us?

MR. PANDOL: Yes, the whole packet, we'd be glad to. In fact, we'd welcome the opportunity.

CHAIRMAN ALATORRE: Fine, if you could submit that to the committee we would appreciate that very much.

MR. PANDOL: The UFWOA claimed that the violence was being directed at them when in fact they were the sole cause of it. Once the farm workers had reached the ranches, the UFWOA pickets would attempt to block the ranch entrances so the workers could not get in. If they attempted to drive in, the pickets would throw rocks at the cars and bang on the cars with sticks and poles. During the course of the day, UFWOA picketers would gather en masse. Hundreds of them would gather at particular ranches and yell and scream over bullhorns at the workers. The workers would be called every vile and filthy thing imaginable and they would be threatened with physical harm and death if they continued to work. I heard this myself on many occasions and again we have sworn statements.

CHAIRMAN ALATORRE: Let me ask you a question. At any time were either you or any of your employees armed with weapons during the time of the farm labor dispute?

MR. PANDOL: Yes.

CHAIRMAN ALATORRE: For what purpose?

MR. PANDOL: Self defense. And as I stated, we had our men, especially the Puerto Ricans, armed with knives and guns. They had never on any occasion attempted or threatened the life of any of the picketers. The reverse was true on many occasions. We warned them, "If you come in here, after all these years these people are very tired of you, if you come in, you come in by your own choice." We were not always there. In one ranch there was 40 of them, what we call Ranch 70 and chased out six of the Puerto Ricans. They told them they would break up their cars, they would threaten their lives. I asked the foreman what happened. He said six of us cannot fight 30 or 40 so we went home, and I said that was a smart thing to do.

The next day the women returned, three brothers were with them. There were sixteen there of 250. In fact, one of the deputies, a sergeant, was on the scene after the pickets came. We told them nobody will hurt you. You can do all the screaming and hollering you want, but if you hit this line you've got to roll over three brothers, then you've got Mexicans, Puerto Ricans that'll answer the cause. We felt that we were not violent people, but we don't take lightly the threat of our life and our property, especially life.

CHAIRMAN ALATORRE: Do you have much more?

MR. PANDOL: No. I'll finish up.

CHAIRMAN ALATORRE: All right. In appreciation of your problem I just wanted to make sure that before noon we hear from the law enforcement officials.

MR. PANDOL: Right. Here's what we'd like to do. We feel there are laws that would correct this thing. We believe that there's only one way to resolve the problems in the future through the extension of the National Labor Relations Act with some modification for agriculture. We believe that this way the farm workers can vote to determine if they want a union and if so, which union? Once the determination is made, the matter can be settled peacefully once and for all for the local farm worker. Another law, no mass picketing. Pickets should be spread at least far enough apart so that the violators can be identified. I had a camera strapped around me. I had 150 pickets in front of me. I was by myself on the avenue. I had a dozen people around me including a couple of ladies that were crying. They wouldn't leave but they cried. They were afraid. Their husbands were hit in the shoulder and hit on the head. I was standing there. I see the rocks

projecting, but a mortar can't be spotted unless it comes out of the barrel, and I couldn't see who did it because they did it from behind. We had bombs thrown at our workers and these things we have proof of. We have the sworn affidavits and I will submit these to you, sir.

CHAIRMAN ALATORRE: I would appreciate that sir. Thank you very kindly.

ASSEMBLYMAN NIMMO: May I ask a question?

CHAIRMAN ALATORRE: Yes, Mr. Nimmo.

ASSEMBLYMAN NIMMO: Mr. Chavez' testimony, as I understand it, has been that the strike was broken by law enforcement officers and paid security guards at the time the contract ran out in the Delano area in July. It's my understanding that, really, the harvest went on uninterrupted and that there was in fact no strike in effect. Is that true or not true?

MR. PANDOL: I'm a little bit confused on the word strike, but let me answer it this way. In our own case we never had a walkout so there was no strike and I think this is true, in fact, in all cases. We felt that these were imported people that came in. So a strike would indicate to me that the workers left. Our work went on. We had the strongest work force this year. We had uninterrupted harvesting by generally the same people we've had for many years, at least 10-15 years.

ASSEMBLYMAN NIMMO: There have been a great many references to women, children, old people on the picket line...

MR. PANDOL: And young children.

ASSEMBLYMAN NIMMO: In your opinion, were the picketers in general paid picketers who were not ordinarily farm workers, or were they mainly farm workers?

MR. PANDOL: That I can't answer because I don't know these people that well. There was practically no one there that I recognized personally. I know that we had several tell me that it was a job. They got \$75 a week as long as they signed up in the morning, before lunch, after lunch and in the evening. They would get \$75 a week and this was \$300 a month. A lot of the young people thought this was a good way to get school clothes - or so they told me.

ASSEMBLYMAN NIMMO: I assume that the kids also got \$75 a week?

MR. PANDOL: Unless they lied to me, they told me that they did. I thought it was a nice way to make money and they enjoyed it. I'll say one thing those young kids were nice. They never threatened anybody to the best of my knowledge unless the brown beret people were around. Then they got a little nasty but they were generally very kind, very considerate. We'd wave and they'd wave back and we became very good friends. So we liked those guys.

CHAIRMAN ALATORRE: Thank you very much.

DOLORES MENDOZA: I'm Dolores Mendoza, a farm worker of Delano, California. I work among the grape growers, the ones that signed the last. I came here to testify, to tell you how it was during the strike. I want to tell you it was hell. It was like living in a foreign country where they have had a lot of war. That's the way it was. It wasn't at all like people on strike. No it wasn't. The workers in Delano did not strike. I don't know where Chavez got his people that followed him but it wasn't the workers. We have never been out of work. We have kept working. He brought on the

strike himself and the only people he had really were kids. Those are the ones that follow him because they have never worked. But we are workers. We don't want to be beggars. We have fought for three years to make a living. We have done all we could to keep up with what he wanted, but now it is our time. We thought we had a union now to help us. This is why we want to start with the Teamsters, because they were going to represent us. We thought that they were going to be good, because our strikes were terrible. You know, it is hard when you go home and you are scared to go into your own house. It is hard when you go into a store, and you are scared to go out of your house to see if somebody's outside. It's very hard to be a worker. It's not that painful for you -- you have nothing to fear -- we do. You know who we fear? We fear Chavez's goons. Those are the ones we fear. The ones that say they are our leaders. They are not our leaders, because those are the ones that have threatened us.

You know, I have a son that came out of the service not very long ago. You know his life was threatened. And I'll tell you how it was threatened in front of our people where I worked. They said look, this is your son. You might not go out at night but your son does go out. Your son goes out to the dances and this is what is going to become of your son. We're going to get rid of your son and there is going to be trouble for your family if you don't get out of here. We said no.

CHAIRMAN ALATORRE: Let me ask you a question, Mrs. Mendoza. In regards to the threats that were made on your son, were any complaints filed on behalf of yourself or on behalf of your son to the local law officers?

MRS. MENDOZA: Yes, I did. I did once to the local police.

CHAIRMAN ALATORRE: What was their reponse?

MRS. MENDOZA: Their response was, "Who said it?" You know when they went over there it wasn't only one man, you couldn't find out one man. There were too many kids and it was the grownups behind them, which we wouldn't know, who hollered. You know, we don't have a chance. We don't have a chance with our Assemblymen or our Senators because they haven't had any thoughts for the farm workers. Because if they had, they would have passed a bill a long time ago that the National Labor Relations should be behind the farm workers, but they haven't.

You know, we begged our Assemblymen and we begged Senators to pass a bill to protect the farm workers and we never have been protected.

CHAIRMAN ALATORRE: Let me say to you that I agree that legislation has not been enacted to cover the farm workers here in this State. Hopefully in the next legislative session we will have a bill that will start bringing to parity the farm workers. As far as coverage under the NLRB or a law being enacted to bring the farm workers into the level of participation with the economy, this is not the subject of this hearing. However, there is going to be a hearing by the Labor Relations Committee, I believe, in Bakersfield. This hearing will be dealing with questions that you have raised, and hopefully either you or other people who are interested in similar legislation will testify. I certainly support the efforts of farm workers to organize and to conduct secret elections.

MRS. MENDOZA: But when will this be -- after we're all

dead? After he has put all his goons on top of us? Do you know how much we cry at night? Do you know how it was for us who work there in the fields, do you? Because we wanted to work. Do you know how many rocks they threw at us? Do you know why the police force had to do anything to them when they went in?

They went in because they wanted to protect the workers, that's why. Because that's why I say the police force was good. It was good. Everybody said it was no good. Yes, it was good because they did their job. Because they were violating the law. They were coming into the fields to do everything they wanted to. As soon as they find one person alone, they would hurt him. Why? Because nobody could say no. That person was hurt? No! You know why? I'll tell you why because there were too many of them. They couldn't bear a fight. It would be like right now if I throw something at you and everybody there says that I didn't do it - it would be the way they said it was, wouldn't it? Your voice would be nothing. That's the way it was with us. You know. That's the way we hurt. Just like yesterday, I tried to get off. I didn't get off, why? I'm a farm worker. I work. He's a labor man...he's a union man. This hearing was set for the worker, wasn't it? Wasn't this for a worker to try to show that we should be defended? Isn't that the purpose of this hearing?

CHAIRMAN ALATORRE: The purpose of this hearing I'll explain to you if you're not already familiar with it. The purpose is to look into allegations that were made about the breakdown of law enforcement, to look at the capacity of law enforcement officials as well as other people to be able to handle the situations that went on in Kern as well as Tulare and Fresno County; to see, in fact, if either law enforcement officials or farm workers or other

interested parties had any recommendations to try to alleviate certain situations like what went on from happening again. It is not to try to determine guilt or innocence...it is to try to gather testimony that might lead to some constructive legislation that can alleviate situations that happened over the past three or four months. That's the purpose of the hearings. I apologize that you were unable to testify yesterday. We told you that you would be able to testify late in the afternoon...you were not able to do that. This is why we have put you on this morning. This is why you are testifying and certainly we are not trying to say that farmworkers cannot testify....I just hope you understand the reason that we have you here. If you have a point of view to express, if you have some constructive recommendations to make, we want to hear these recommendations, Mrs. Mendoza.

MRS. MENDOZA: Yes, but you look at his point of view; my point of view is no good. Is that what you are trying to tell me?

CHAIRMAN ALATORRE: Can you please try to at least concentrate on the complaints you have about the breakdown of the law?

MRS. MENDOZA: Yes! It wasn't the law that was breaking down...It was the strikers that were trying to hurt us. The law wasn't the problem, they tried to do their best. There ought to be one person behind every person that was working to protect that worker, and I don't think that we can do that. Because I am a taxpayer as well as you are. I don't think that anybody would take that. You know, it's hard. I myself sent a telegram to Governor Ronald Reagan and I told him that we needed help. I told him why.

CHAIRMAN ALATORRE: Well, what was his response?

MRS. MENDOZA: His response was that he didn't know.

You know, that was all the letter said. That he didn't know.

CHAIRMAN ALATORRE: He didn't know about what?

MRS. MENDOZA: You know, he didn't know what was going on.

I called our Mayor and I told him what was going on. We knew what was going on because our cars were being smashed up early in the morning, four o'clock in the morning, whenever the police force was not around. You couldn't protect every car in Delano because there are too many of us going to work. None of us were on strike. When Mr. Chavez says that they were on strike, no. It was him that was breaking the laws. I blame him for the deaths and for everything that happened in Delano...I blame him and George Meany. I don't care what it is because he's the one that has promoted this hate among us and among everybody. Like I say, you might tell me to shut up right now, but you're not going to tell me to shut up. You know, he thinks he has killed three giants. He has killed only one giant. There are two giants left that are against him, the farm workers and then there is the boss that will stand by their workers 100%.

CHAIRMAN ALATORRE: Do you have any other recommendations to make?

MRS. MENDOZA: Yes, I have! There are other workers here that should speak. As I am here, they have the right to talk... to testify.

CHAIRMAN ALATORRE: I understand that. I allowed you to testify and I made time for you to testify. I asked the sheriff to be patient with you. I feel that a lot of allegations have been made against law enforcement officers. They are the next

ones to testify after you complete your testimony.

MRS. MENDOZA: You mean that you are not going to let the farm workers testify?

CHAIRMAN ALATORRE: I'm going to make it very clear to you. I will allow you to conclude your testimony and then I will listen to the law enforcement officers right after you. That is exactly what is going to happen. I am the Chairman of this Committee and I will not be intimidated by anybody as to how I should conduct these hearings.

MRS. MENDOZA: Yes, I know, you are not going to be intimidated. We are not trying to intimidate you. I think that the farm workers should be able to talk because they were hurt.

CHAIRMAN ALATORRE: Mrs. Mendoza, let me explain it to you. After you finish, if the farm workers or the people who came with you want to testify, they can remain here. I'm telling you the order in which I'm going to conduct these hearings, so I would appreciate your concluding your statement and allowing us to conduct the remainder of this hearing.

MRS. MENDOZA: All right. I will tell you some more. Because there is a lot more to tell you. In fact, I can stand here all day and tell you what they did to us. You know, when the people wanted to work, they couldn't go to work. You know why? Because the picketers were standing in front of us. I'll show you some pictures that were taken. These were taken as we were leaving the fields and they would all rush up to us. This is when they rushed into the fields...They said they were very innocent...Well they weren't. This is how they would harass the field workers

in order to make them leave the fields. They would holler dirty names like "Putas..your mother's a bastard..you're a whore!" That's what the picketers called us. This is what made the violence. This is what made it happen. This is what made it so difficult. When they would call you "Putas" or when they'd call a mother a "Whore" in front of her boy it was hard, you know. When a picketer does that, then they are not picketing but trying to cause violence. They were trying to cause trouble. That's all they were doing.

CHAIRMAN ALATORRE: Mr. Nimmo.

ASSEMBLYMAN NIMMO: Mrs. Mendoza, when any of these threats were made, at any time, to your knowledge, were the picketers armed with knives or rocks or with anything that could be used as a weapon?

MRS. MENDOZA: Yes. There were a lot of rocks and clods thrown at the workers. Everything that they could get a hold of. They would throw them at the workers to try and make them leave. Then the workers became angry because we were not on strike. It was Chavez and his kids on strike. None of us were on strike.

ASSEMBLYMAN NIMMO: Were you ever directly threatened with violence?

MRS. MENDOZA: Yes. I was told by one of their organizers that if I wouldn't get out of the field he would burn my house down. I even went to the police station and I told the police force about this.

ASSEMBLYMAN NIMMO: What ranch were you working with?

MRS. MENDOZA: I worked for George Lucas and Sons.

ASSEMBLYMAN NIMMO: Are you a member of the union?

MRS. MENDOZA: Yes, I am. I'm a member of the Chavez Union

up to - we had to pay three months.

ASSEMBLYMAN NIMMO: What union are you in now?

MRS. MENDOZA: I'm not a member of any union right now.

ASSEMBLYMAN NIMMO: Okay.

CHAIRMAN ALATORRE: Can we see the rest of those photographs?

ASSEMBLYMAN MADDY: Mr. Chairman, I would ask that Mrs. Mendoza conclude her testimony now because it is important for the law enforcement officials to have an opportunity to testify before lunch.

CHAIRMAN ALATORRE: Could you try to summarize any other points you want to make because as I mentioned to you, we do want to get on with it.

MRS. MENDOZA: Yes, I want to mention to you about the security guards. You know, those guards were called different names because some of them were colored...they would call them dirty names. That's why it was hard for the security guards to be around...but the security guards were good. And this is one thing, everytime we saw a security guard, we knew we had protection. We asked the farmer himself to hire security guards because there was not enough law enforcement.

CHAIRMAN ALATORRE: One problem that we have with that is we already listened to testimony yesterday from the sheriff. We listened to testimony from the district attorney. I think that there was at least some consensus concerning some of the qualifications on the part of the security patrols. They felt that some standards should also be leveled or dictated by the State. I feel that we are going to listen to testimony here today on the part of law enforcement officials as to their ability to handle certain situations. I know it is a most difficult situation even for law enforcement agencies-- people who are trained. I asked them questions as to their abilities

to handle a situation.

MRS. MENDOZA: Well, I'm going to tell you one thing. If there had been a lot of law enforcement, it wouldn't have stopped what was going on in Delano. You know, even I decided that if we were going to take the law into our own hands, when we went into the fields they wouldn't riot while the law enforcement was there.

CHAIRMAN ALATORRE: Did you take the law into your own hands?

MRS. MENDOZA: No, I didn't.

CHAIRMAN ALATORRE: Did any of your....

MRS. MENDOZA: No. None of them did. You know why? The ones that were working didn't want to go to jail. No, we have enough dignity to stay out of jail. We're not like Mr. Chavez. He doesn't care whether he goes to jail. We have to make our own living. We have to work to support ourselves...If we go to jail, we can't support ourselves. We don't have anyone to support us.

CHAIRMAN ALATORRE: Did any of the people that you know ever carry any weapons?

MRS. MENDOZA: Yes. We did. We took sticks, we took baseball bats. We took everything that we could carry. In my car right now there are around five bats. We rode together and we had guns. We are going to protect ourselves. We are tired of being pushed around by these goons, regardless of how it stands. The police would never support us. You know, we went home and when we were going home, the policemen could not follow all of us around. So we had to go home alone. We had to defend ourselves somehow...These men were following us home and threatening us even there. Okay, I think that will be enough but I want permission for the workers that are here..to talk about the sheriff's department--to speak out.

CHAIRMAN ALATORRE: I will determine that. They can stay here and certainly have the opportunity to be heard. Ok, Mrs. Mendoza? Thank you very much.

ASSEMBLYMAN MADDY: Mr. Chairman, as a preliminary to Sheriff McKinney's testimony, I want to put into the record an article from the Fresno Bee on August 12th of 1973. I'm doing this in an attempt to shorten the testimony of Sheriff McKinney since we do have a shortage of time. A committee headed by Rev. G. L. Johnson, which included City Councilman L. Mack and Attorney Robert Huddleston, Labor Leader George Kissling, Jess Quintero, the Mexican American Political Association, church representative Kent Zinner, and Jail Chaplain Russell Knight looked into the charges of the July 21st incident. They indicated that the charges were unfounded and commended the sheriff's department for the handling of that situation. That will go on the record, sir.

FRESNO BEE
August 2, 1973

Federal Probe Of Farm Strife Begins

Fresno County Supervisor Armando O. Rodriguez today confirmed that he told a US Civil Rights Commission investigator there was no evidence of alleged brutality when Rodriguez visited the Fresno County Jail after the first United Farm Workers Union pickets were arrested.

Rodriguez said he went to the jail with Assemblyman Kenneth L. Maddy and spoke with inmates in Spanish. He said, "No one gave me any information on any brutality and I saw no evidence of any."

However, he said some of the inmates did voice

minor complaints about suspended privileges and the like.

The commission representative from Los Angeles was in Fresno last week to make preliminary inquiry into complaints of those arrested for violating court orders in force at east side fruit ranches.

The commission investigator also talked with Superior Court Judge Blaine Pettitt and Municipal Court Judge George Hopper.

Pettitt's granting of temporary restraining orders limiting the activities of union pickets is under at-

tack by union members as too restrictive.

Hopper presided at many of the arraignments of UFW members arrested and charged with unlawful assembly and failure to disperse.

A spokesman for the Civil Rights Commission office in Los Angeles declined to make any statement other than to say complaints received from UFW members and the validity of all complaints received are checked. Any decision on the matter will be made in Washington, D.C.

Meanwhile, it also was learned Pettitt, Dist. Atty. William A. Smith and Sher-

iff Melvin Willmirth have received numerous telegrams, letters and phone calls from various individuals and representatives of organizations throughout the nation expressing concern about the arrests and jailing of UFW pickets.

Pettitt said it was apparent from the contents of some of the wires and letters he received that the parties are not knowledgeable of the facts surrounding the temporary restraining orders and the arrest.

Jury trials on the misdemeanor charges against the union members are due to start.

Panel: Charges Jailed Pickets Were Beaten Are Unjustified

An advisory committee appointed by Sheriff Melvin A. Willmirth has concluded that charges of deputies beating nine United Farm Workers Union members in the Fresno County jail are unjustified.

The Rev. G. L. Johnson, the committee chairman, issued a statement calling the charges unfounded and commending in general the sheriff's department handling of the situation.

The UFW has alleged that nine UFW members were beaten in the jail on the night of July 21, a few days after the sheriff's department began making mass arrests of pickets.

There were charges that the inmates had been forced to run through a gauntlet, were kicked by deputies and hit with broomsticks.

Johnson said the committee concluded that the situation was "blown out of proportion."

The committee said the trouble began when a fire began in a cell filled with felony prisoners, next to one holding UFW strike leaders.

"Officers attempted to remove inmates from their cells to prevent asphyxiation from the dense smoke. Some did not want to be removed and an altercation ensued. There were then reactions and verbal abuse on both sides," the committee said.

The statement continued, "Fire hoses were used to extinguish the fires, but there were no fire hoses or police clubs used during the altercation."

Johnson said the committee found one mistake was made "in placing the strikers and regular inmates in the same cell block."

"We have found that since that time the attitudes of both officers and strikers have much improved," he added.

Johnson noted that one reserve deputy, Allen Price, was fired from the department for using a broom handle to try to move inmates out of the cell.

"Overall, if not for that one young kid," he said, "it could not have been handled any better. It is our opinion that, overall, the sheriff's department has handled the situation quite well."

The committee was appointed by Willmirth to look into the UFW allegations and interviewed all those persons involved.

Making up the committee, in addition to Johnson, were City Councilwoman Linda Mack, attorney Robert Huddleston, retired labor leader George Kissling, Jess Quintero of the Mexican-American Political Association, church representative Kent Zenor and jail chaplain Russell Knight.

CHAIRMAN ALATORRE: So ordered. Can you state your full name?

MR. HAROLD MCKINNEY: I am Harold McKinney, Undersheriff of Fresno County.

The problems that confronted law enforcement in Fresno County were, I think, identical to adjoining counties that had farm labor problems. Ours was split between an east and west side divided by about 80 miles; therefore we split up our forces so that we could handle the situation. The pickets wanted to be arrested. This was their purpose. They deliberately violated the injunction, violated the law in order to be put in jail, and we put them in jail. This severely taxed our manpower resources and the facilities that we had available to confine them.

The first number of arrests we cited the people to appear in court at another time...Then, they refused to sign the citations, and this of course served to load the facilities we had, creating a tremendous problem. Some of the complaints they had concerned not being given toothbrushes. Other complaints were the result of the tremendous logistical problems with which we were confronted. We didn't purchase ordinarily to handle the type of load that we had in the confinement facilities. This was corrected. The statement was made that after the Department of Justice and civil rights investigators concluded their investigation, that things improved. However nothing changed. We conducted our operation the same from the very first arrest to the very last arrest.

ASSEMBLYMAN MADDY: Sheriff, what number of personnel is in the present county sheriff's department? How many men do you have and did you have during this time?

MR. MC KINNEY: We have a total of 427 employees. During that period of time we had a strike force of about 40 men, but this would vary according to the activity that was occurring.

ASSEMBLYMAN MADDY: During the problems here in Fresno County, there was not the involvement that we heard yesterday in Kern County of the Teamsters Union. Is that correct?

MR. MC KINNEY: No, we had no problems at all.

ASSEMBLYMAN MADDY: Essentially, the problems on the strike lines, in terms of charges and counter charges that were made, there was comparatively speaking little violence. Is that correct?

MR. MC KINNEY: Little violence on the strike line, yes.

ASSEMBLYMAN MADDY: How many arrests were made in the period of

time that the Fresno County Sheriff's Department was involved in this farm labor?

MR. MC KINNEY: Approximately 1900.

ASSEMBLYMAN MADDY: The facilities that we have available in Fresno County to confine people in our county jail and in the industrial farm, how many do they accommodate?

MR. MC KINNEY: 1,160.

ASSEMBLYMAN MADDY: Those facilities were filled to capacity at times, were they not?

MR. MC KINNEY: Yes, including prisoners who were not related to the strike activity.

ASSEMBLYMAN MADDY: In addition to the picketing activities, you had to conduct your normal law enforcement activities, did you not?

MR. MC KINNEY: This is correct.

ASSEMBLYMAN MADDY: You heard testimony, Mr. McKinney, as to security forces? Did you experience or did you note that there were security forces in evidence in Fresno County Farms? Private security agencies?

MR. MC KINNEY: Yes, mostly in the west side of Fresno we found private security forces that were employed by some of the growers in those areas.

ASSEMBLYMAN MADDY: From the standpoint of law enforcement, does that create problems for you?

MR. MC KINNEY: Yes, in many instances it does, because of the very vague laws governing the activities and the authority of private police agencies. The State now preempts counties and cities as far as regulating what these people can do, what type of weapons they can carry.

ASSEMBLYMAN MADDY: Would you concur with the chairman and myself

and I'm sure the other members with our statement that we feel that there ought to be at least another hearing and some investigation as to how we regulate private security force in the State of California?

MR. MC KINNEY: Yes I do.

ASSEMBLYMAN MOBLEY: I would like to ask a question, Mr. Chairman. Could you give me an approximate figure on what you feel it costs the Sheriff's department for this particular area that we have been discussing here this morning and in period of time. What was the cost of the disturbance to your department?

MR. MC KINNEY: From May 9th through September 3rd, this being the period of time in which the strike activity occurred: Overtime hours, cash outlay, and this is beyond what we budgeted for during either fiscal year, was \$173,240. We had meals for officers, \$2,396. Rental of vehicles, (these were buses with which to haul the people who were arrested to the industrial farm or to the county jail) \$3,874. The employment of secretary help, people in the security facilities, the custody facilities, \$7,928. The other technical support material, \$2,301. These are costs that were above what we had budgeted for normally during the course of the fiscal year. This is money we are going to have to secure sometime before the end of this fiscal year.

ASSEMBLYMAN MOBLEY: Do you have a total on that now?

MR. MC KINNEY: Yes, \$189,740.

ASSEMBLYMAN MOBLEY: Now, the way you financed this was through your extra help budget and I guess you have a reserve of some kind. How did you give them the money? How did you do this?

MR. MC KINNEY: It cost far more than that, but these are only the costs that were extra budgetary costs. We took this from regular salaries;

we took it from other areas that will have to be replaced before the end of the fiscal year from the unappropriated reserve for the county.

ASSEMBLYMAN MOBLEY: Did the sheriff have to go to the Board of Supervisors for authority to expend these funds, or did you have the money?

MR. MC KINNEY: Well, we took it from the money that was already contained in our budget.

ASSEMBLYMAN MOBLEY: Have you got any reaction from the Board of Supervisors about the allocation of these funds? Have you talked to them since that time?

MR. MC KINNEY: We have had informal discussions and realized we were going to be approaching them before the end of the fiscal year and I imagine we will have a reaction to that at that time.

CHAIRMAN ALATORRE: Sheriff, you made a statement that you felt that the overall situation was handled okay. Were there any deputies that were dismissed or reprimanded as a result of the incidents during the time of the arrest or the situation that was alluded to eariler at the jail?

MR. MC KINNEY: Yes, this was an extra help employee who was dismissed because of the incident that occurred in jail on July 21st.

CHAIRMAN ALATORRE: There was mention made about some indignities that officers made against farm workers. To your knowledge, was there any investigation made in your department about these allegations?

MR. MC KINNEY: The only investigation to be made and what we found in checking is that it would be incredibly naive to think that law enforcement officers in the jail are the only ones who directed indignities. I think that the indignities were directed both ways and which came first, the chicken or the egg, I have no knowledge. Who first voiced the indignities and who responded and reacted? Which is against the public policy

and the individual that was terminated was terminated not because of violence, but because he behaved in a manner and conducted himself in a manner that was in direct violation to the department policy.

CHAIRMAN ALATORRE: Why were the nine individuals, as one of them testified, isolated from the rest of the people when they were arrested?

MR. MC KINNEY: It was an error. I think that perhaps there was a misunderstanding. They were first brought to the industrial farm. This was the point to which these individuals were brought to be booked. There were nine people there who were creating a disturbance, were interfering with the booking procedure and we decided that these would have to be removed or they would create quite an incident. You must remember, we also have prisoners in there who are not related to this strike. Many of them deeply resented the activities and the actions of the strikers. In order not to create a problem that might be difficult to confine, we decided to move those individuals into the Fresno County jail and there is quite a distance between the farm and the jail. These individuals were brought into the jail to be confined in that area rather than out at the farm where they could perhaps create problems that we couldn't control.

CHAIRMAN ALATORRE: Did your department have adequate time to plan for the mass picketing and control of potential violence?

MR. MC KINNEY: Of course, it occurred much earlier down south. Our planning was that we expected it, but we didn't know where, nor to what extent, so it was very difficult to plan because we were not prewarned as to what their plans were going to be, or who they are going to picket or what activity, or what particular procedure they were going to follow.

CHAIRMAN ALATORRE: Were you in communication with any of the other law enforcement agencies in the different counties? Were you aware of

all of the problems that had arisen there?

MR. MC KINNEY: Yes, we found that no two counties are identical as far as problems. I'm sure that the problems in Kern County were a great deal different from the problems in Fresno. We know the problems in Tulare County were a great deal different from the problems in Fresno.

CHAIRMAN ALATORRE: Do you feel that the possibility of additional manpower at the time of the incidents that took place here in your county might have been averted?

MR. MC KINNEY: I think yes, and I would like to request that the State consider more realistic mutual aid approach than currently exists, where it's after the fact that we receive the aid when we really don't need it.

CHAIRMAN ALATORRE: Did you ask at the time or before the situations took place here in Fresno for additional manpower, requesting help from the State for any assistance that you might need?

MR. MC KINNEY: Yes, we questioned the State consenting the availability of mutual aid and were invited but we could not invoke mutual aid until such time as the violence occurred, not to prevent the violence. And this is what I think should be correct.

CHAIRMAN ALATORRE: Right.

ASSEMBLYMAN MOBLEY: Anyway its the area that has to do with strike activity which is not covered under the mutual aid. . .

MR. MC KINNEY: No, this creates a problem that is a political problem more than anything else. We have a private informal agreement with some of the surrounding counties; if they need assistance we are going to help them, and if we need assistance they will help us. Madera County sent some officers on the west side when we were very short on personnel and it appeared that some violence may occur.

CHAIRMAN ALATORRE: Are there any other questions?

ASSEMBLYMAN MADDY: Sheriff, if Fresno County is faced with a situation in the future where you have an organization or a group that seeks to be arrested and they number as many as 1900, is there any practical way that you could ever handle that situation?

MR. MC KINNEY: The same way we handled it this time.

ASSEMBLYMAN MADDY: You could not. . . you had to necessarily release people as soon as they were arrested, is that correct?

MR. MC KINNEY: They refused release.

ASSEMBLYMAN MADDY: Initially they were released, is that correct?

MR. MC KINNEY: After the first arrest, we released all of them.

ASSEMBLYMAN MADDY: And then there was a move to refuse release?

MR. MC KINNEY: There was a move and we were advised by those who refused that they were instructed by UFW headquarters to refuse to sign the releases, that an attempt was going to be made to overflow the jail and force a critical confrontation between the government and the United Farm Workers.

CHAIRMAN ALATORRE: For what reason do you think that the United Farm Workers refused release?

MR. MC KINNEY: Because they were instructed to refuse releases.

CHAIRMAN ALATORRE: Do you have any idea as to why they were instructed to refuse releases?

MR. MC KINNEY: Attempting, I presume, that they were attempting to flood the jail to proportions that we would have to stop making arrests.

CHAIRMAN ALATORRE: What problems are created by the use of injunctions during the farm labor disputes as far as your law enforcement officers are concerned?

MR. MC KINNEY: No problems unless the injunction are violated.

I'm not being facetious. If the injunctions are violated, it then becomes a matter that the Sheriff must by law, he is directed by court order, take whatever acts are necessary up to and including the arrest. Section 166.4 of the Penal Code that requires him to make arrests, so the Sheriff, as I say, is then placed in the middle. United Farm Workers feel injunctions are unconstitutional. The growers feel they are constitutional. That determination cannot be made by law enforcement; that is a court question by a trial of fact not by a law enforcement officer. But we are placed here again in the middle because the farm worker says you are working for the grower; otherwise you wouldn't enforce this unconstitutional injunction. We say we have to do it because the court told us. Well, the judge is working for the grower and it comes around to where the police officer is being the only recognizable representative of the government and must bear the brunt of this. We hear allegations this morning that are either gravely distorted or totally untrue, and as a result, this feeling has arisen between the farm worker and the police officer.

CHAIRMAN ALATORRE: Aside from members of the United Farm Workers that were arrested, were there any growers or any other non-farm worker union members arrested during the time of the incident?

MR. MC KINNEY: Yes, we arrested a couple of growers, large growers.

CHAIRMAN ALATORRE: What were they arrested for?

MR. MC KINNEY: They were arrested for assault with a deadly weapon, I believe. These arrests were made in West Fresno, the west side of Fresno. I think we made approximately ten arrests of people who were not members of the strikers, who were members of the other side.

CHAIRMAN ALATORRE: What charges were leveled against them besides assault with a deadly weapon?

MR. MC KINNEY: Assault with a deadly weapon. Assault and battery. Battery is a criminal offense.

CHAIRMAN ALATORRE: Battery. Battery against whom, sir?

MR. MC KINNEY: The farm workers. The strikers.

CHAIRMAN ALATORRE: Against the strikers.

MR. MC KINNEY: We had a situation of seizing weapons, again getting to this part of the patrol problem we seized a cattle prod. We were unable to determine by the existing laws whether or not private patrolman are authorized to carry police batons, rifles, and shotguns. It is difficult to control these when they are on the private property of the employer. These are things that I think the Legislature is going to have to work out.

CHAIRMAN ALATORRE: Who had the cattle prods?

MR. MC KINNEY: Somebody. . .a private patrolman. We took it away from him, and had to give it back to him later.

CHAIRMAN ALATORRE: Was he charged with any offense?

MR. MC KINNEY: We could not find anything to charge him with. We checked with the District Attorney, but there is no law against a cattle prod. But we took it away from him, perhaps unlawfully, but in order to avoid the violence which was the entire reason that we were at any of these picketing areas and certainly the potential was there, if you have farmers and workers, working in the field to protect their property. You have pickets here that were bound and determined that the workers are not going to work, that the potential for violence is there. We went out and our sole job was to protect against violence, not to work for the grower, not to work for the labor union, but to work to prevent the violence that quite possibly could occur, in many cases did.

CHAIRMAN ALATORRE: Let the meeting be called back to order.

Mr. Bob Wiley, Sheriff of Tulare County. State your name for the record, sir.

CAPTAIN FOREST BARNES: Captain Forest Barnes from the Tulare County Sheriff's office, representing Sheriff Wiley. I would like to introduce also two sergeants I have with me...Sgt. Claude McLaughlin who was in charge of the people on the detail of the northern end of Tulare County, and Sgt. Tim Johnson who was in charge of the personnel on the southern end of Tulare County. Just to state briefly, the labor disputes started in Tulare County around the latter part of March. It continued in the northern end of Tulare County through to the last part of August in the southern part of the county. We had a total number of personnel from one to 58 assigned to the labor problem. This would be in both the northern and the southern end of the county. We had a total number of arrests stemming from the labor dispute of 310 and we had a total number of 186 sworn personnel.

CHAIRMAN ALATORRE: How many were arrested, sir?

CAPTAIN BARNES: The total would be 310.

ASSEMBLYMAN NIMMO: What were the general offenses of those arrested?

CAPTAIN BARNES: The largest number which was for violations of the court injunctions was 249; 173 were male, 76 were female.

CHAIRMAN ALATORRE: How many of them were striking farmworkers as opposed to others that were not?

CAPTAIN BARNES: Of course, there were court injunctions.

CHAIRMAN ALATORRE: I understand that, but I'm talking about the other arrests besides the ones that were in violation of the court injunctions. How many of those members were striking farmworkers and how many of them were others?

CAPTAIN BARNES: I have no exact figures on that.

CHAIRMAN ALATORRE: Besides the people that were arrested for the court injunctions, what type of violations were they arrested for?

CAPTAIN BARNES: There were various violations from assault with a deadly weapon, simple assault to disturbing the peace.

CHAIRMAN ALATORRE: Were any of them growers that were arrested?

CAPTAIN BARNES: Yes, sir.

CHAIRMAN ALATORRE: How many of them were growers?

CAPTAIN BARNES: I think one grower was arrested for assault with a deadly weapon.

CHAIRMAN ALATORRE: How about the employees of the growers?

CAPTAIN BARNES: I believe there were three arrested for assault with a deadly weapon.

ASSEMBLYMAN NIMMO: I would like to ask a question of Captain Barnes. Of those who were arrested for violation of the injunction, do you have the figures that would reflect how many of them were illegal aliens, if any, and perhaps were green card holders, if any?

CAPTAIN BARNES: No, sir. I don't. There were some but I do not have the figures here.

It ranges from several different charges that made up the amount, from 249 to 310. From one arrest to as high as 15 arrests for trespassing. This pretty well covers our activities.

CHAIRMAN ALATORRE: How many shooting incidents occurred in Tulare County that were reported?

CAPTAIN BARNES: We had three, I believe.

CHAIRMAN ALATORRE: Were the people involved in these shooting incidents arrested?

CAPTAIN BARNES: Yes, after an investigation of all three of the incidents.

CHAIRMAN ALATORRE: What were they arrested for?

CAPTAIN BARNES: Assault with a deadly weapon I believe were the charges filed.

CHAIRMAN ALATORRE: There was an incident that involved one of my interns. Could you talk about that?

CAPTAIN BARNES: Yes. I believe there was a report where he was fired upon.

CHAIRMAN ALATORRE: You're talking about Mr. Chavez?

CAPTAIN BARNES: At least the report was that he was fired upon by a worker from the field. The worker was arrested for that. I believe that it's pending in court at this time.

CHAIRMAN ALATORRE: What was he arrested for and ultimately charged with?

CAPTAIN BARNES: I'm not real sure but I believe it was assault. I'm not sure, you know, just what the exact code was.

CHAIRMAN ALATORRE: Was that the original charge that was filed against the individual involving the shooting incident?

CAPTAIN BARNES: I'm sorry. I don't know.

CHAIRMAN ALATORRE: Does anybody?

CAPTAIN BARNES: Possibly Sgt. Johnson can answer that.

CHAIRMAN ALATORRE: Do you have any knowledge of that incident?

SGT. JOHNSON: Yes, sir. The suspect was arrested for assault with a deadly weapon. . .Section 245 of the Penal Code. I was present at the time.

CHAIRMAN ALATORRE: Was he arrested at the scene?

SGT. JOHNSON: He was arrested at the scene.

CHAIRMAN ALATORRE: Was he charged with assault with a deadly weapon?

SGT. JOHNSON: I don't know what the final complaint was that was filed by the District Attorney. I know of the arrest procedure.

CHAIRMAN ALATORRE: Because it is my understanding that he was released because there were misdemeanor charges that were filed against him. After discussion with my intern, he was finally able to convince them that the only misdemeanor charge that occurred at that time was shooting across a state highway. They refiled against him but he was released right after he was arrested.

SGT. JOHNSON: He was not released right after he was arrested. He wasn't released until the next day and that was on bail.

CHAIRMAN ALATORRE: And he is charged right now with assault with a deadly weapon?

SGT. JOHNSON: I don't know what the charges are that are standing right now. That is entirely up to the District Attorney.

CHAIRMAN ALATORRE: Can you provide the committee with a copy of the original arrest report?

SGT. JOHNSON: Yes. This will take some time.

CHAIRMAN ALATORRE: You can send it to us. And also provide the committee with information as to how he is charged and when the trial date is set?

SGT. JOHNSON: Yes, we can get that information.

CHAIRMAN ALATORRE: Now, do you feel that during the time of the labor dispute did you have sufficient manpower and equipment to handle the situation?

CAPTAIN BARNES: Yes, we felt we could handle it at that time.

CHAIRMAN ALATORRE: Do you have any knowledge or could you address yourself to one of the issues that we talked about to the Sheriff of Fresno County in reference to the use of tighter security guards by certain growers? Also what is your general opinion of the security guards?

CAPTAIN BARNES: Certainly there were security guards in use throughout the county on the various ranches. We had very good cooperation from these security people. Not that I recall any incidents involving them off of the ranches.

CHAIRMAN ALTORRE: Do you feel like the Sheriff of Bakersfield, and also from some of the testimony we have heard in the last two days, that certain minimum standards should be set forth in the licensing of security guards?

CAPTAIN BARNES: Well, I think there certainly should be some standards set for them. I'm not sure that there are not, as far as the licensing of security guards.

CHAIRMAN ALATORRE: Actually it is the employer that has to be licensed, not the employee. Actually, we are trying to determine whether, in fact, you as a member of the law enforcement feel that some minimum standards should be set up in the regulation of some of these security guards, and if so, what standards would you like to see imposed if in fact legislation is introduced in the next legislative session?

CAPTAIN BARNES: Well, certainly, we would like to see some standards set up for anyone who is acting in any type of law enforcement capacity. I'm not sure that they should be as stringent as possibly those in general law enforcement where they are acting as security guards. There should be some legislation along this line.

CHAIRMAN ALATORRE: Is your department at all involved in checking and investigating these people that are hired as security guards?

CAPTAIN BARNES: No, we are not. I believe the question came up earlier in the hearing as to whether these people were deputized or not. They are not deputized under our Sheriff in Tulare County.

CHAIRMAN ALATORRE: How many Spanish-speaking law enforcement officers do you have in Tulare County?

CAPTAIN BARNES: I think we have 8 or 9. . .

CHAIRMAN ALATORRE: Out of a force of how many?

CAPTAIN BARNES: 186 sworn personnel.

CHAIRMAN ALATORRE: Can you tell me what procedures are used for citizens' arrest by security guards?

CAPTAIN BARNES: No. Not by security guards.

CHAIRMAN ALATORRE: Were any citizens arrests made during the time of the labor disputes in Tulare County?

CAPTAIN BARNES: Yes.

CHAIRMAN ALATORRE: How many people were arrested?

CAPTAIN BARNES: I do not have the exact figure of citizens arrests. I do know that there were some citizens arrest made.

CHAIRMAN ALATORRE: Can you tell me what the procedure is that the people go through in citizens arrests?

CAPTAIN BARNES: Well, first of all they must satisfy the officer that is called to the scene that an assumed violation did occur. Once they satisfy this officer that the violation did occur, they can place that person under arrest and turn him over to the officer who will deliver him to the center.

CHAIRMAN ALATORRE: What type of cooperation has your department

had either during the farm labor dispute in the past or with the United Farm Workers?

CAPTAIN BARNES: We've had good cooperation up until the late part of the labor dispute this year. And at that time, that's when the violation of the court injunctions started, they did break down somewhat after that.

CHAIRMAN ALATORRE: Now, one of the allegations made earlier was the fact that there was relatively little cooperation or little communication between the United Farm Workers and your agency.

CAPTAIN BARNES: Well, the captains on the lines and the pickets were very friendly with some of the officers on the line. . .they communicated very well, and on a friendly basis.

CHAIRMAN ALATORRE: Now, what type of preparations were being made for you to have communication with other law enforcement agencies or jurisdictions?

CAPTAIN BARNES: Yes, we did prepare with Kern County. Like Undersheriff McKinney said, it's hard to plan for these things when you don't know the number of people going to be involved. We played it day by day. If we felt that more officers were needed, they were assigned to that. In the middle of July or late part of July, we did go to 12-hour shifts with all of our personnel on a 6-day week, to provide more people in the labor dispute areas.

CHAIRMAN ALATORRE: What type of instructions were given to your deputies regarding the handling of picketing activities and not making arrests?

CAPTAIN BARNES: The instructions that were given by the sheriff's in our county was straight down-the-middle-of-the-road type thing.

We did not take sides with either the farmer or the labor union. If a person was in violation of the law, he was arrested no matter what organization he belonged to.

CHAIRMAN ALATORRE: Can you answer this question. Did your officers carry mace?

CAPTAIN BARNES: Not to my knowledge. Unless it would have been by the tacts squad. The Sargeant would control that.

CHAIRMAN ALATORRE: Can you tell me a little bit about your tactical alert squad?

CAPTAIN BARNES: Yes, it's a squad of about eleven men supervised by a Sargeant. It was organized so we could move a body of men from one location to another where they were needed. They were housed in one unit.

CHAIRMAN ALATORRE: What type of training do they have?

CAPTAIN BARNES: The same training that all of our officers have under the peace officers standard in training in the State of California. Also they have some special training in crowd control.

CHAIRMAN ALATORRE: Are all of your officers trained in the area of crowd control?

CAPTAIN BARNES: Yes, to some extent.

CHAIRMAN ALATORRE: To what extent?

CAPTAIN BARNES: That any officer would be trained.

CHAIRMAN ALATORRE: Then what special training does your tactical squad receive?

CAPTAIN BARNES: None other than working together as a unit.

CHAIRMAN ALATORRE: Do you have any helicopters?

CAPTAIN BARNES: No, we do not.

CHAIRMAN ALATORRE: Are there any other questions? Mr. Nimmo.

ASSEMBLYMAN NIMMO: Mr. Barnes, were there any specific instances over the course of the summer's difficulties in which to your knowledge the security guards were guilty of wrongful or incompetent action or actions which led to violations of the law or problems for bonafide law enforcement officers?

CAPTAIN BARNES: Not that I can recall. No, none that I know.

ASSEMBLYMAN NIMMO: If we were to pass legislation in the area of requiring training of security guards, in order to have equal applications to night watchmen or bank guards or anyone who is hired for the purpose of guarding property by some individual, company or corporation, there ought to be equal applications?

CAPTAIN BARNES: Yes, I would say so.

ASSEMBLYMAN NIMMO: Thank you.

ASSEMBLYMAN MADDY: Sir, what is the jail capacity in your county?

CAPTAIN BARNES: Three hundred and fifty.

ASSEMBLYMAN MADDY: Three hundred and fifty. Do you have an industrial farm or other locations for housing prisoners?

CAPTAIN BARNES: Yes, in Tulare County it is operated under the Probation Department.

ASSEMBLYMAN MADDY: The total is 350 for your County? Is that correct?

CAPTAIN BARNES: For the jail facility, we have two holding facilities. One is Porterville and one is Pixley.

ASSEMBLYMAN MADDY: What is the capacity of those two places?

CAPTAIN BARNES: Twenty-four, I believe, in Porterville and eleven or twelve in Pixley.

ASSEMBLYMAN MADDY: So 385 is your total capacity for holding people arrested?

CAPTAIN BARNES: We could also put them out at the road camp.

ASSEMBLYMAN MADDY: What was the maximum number of people arrested at any one time that were involved with the farm labor strike?

CAPTAIN BARNES: I think in one day there were 150.

ASSEMBLYMAN MADDY: Did you ever reach capacity in terms of your facilities to hold people?

CAPTAIN BARNES: Yes, we did.

ASSEMBLYMAN MADDY: This was because of your normal capacity plus those arrested in regard to the farm-labor problems?

CAPTAIN BARNES: That's correct.

ASSEMBLYMAN MADDY: What was the County of Tulare's procedure in regard to releasing those who were arrested for farm-labor picketing or for violation of injunctions and so on?

CAPTAIN BARNES: They were held in lieu of bail.

ASSEMBLYMAN MADDY: Did you have any automatic release or citing system whereby they could sign and be released immediately?

CAPTAIN BARNES: No, I did not.

ASSEMBLYMAN MADDY: The total number that you arrested were somewhere in the neighborhood of 310. Is that correct?

CAPTAIN BARNES: Yes.

ASSEMBLYMAN MADDY: Are those charges still pending in Tulare County?

CAPTAIN BARNES: Many of them are, I would say.

ASSEMBLYMAN MADDY: Was there any procedure that you know of followed by the District Attorney's Office in regard to dismissing the charges?

CAPTAIN BARNES: Yes, on the court injunctions, I believe, they were all dismissed.

ASSEMBLYMAN MADDY: The 249 out of the 310 that were filed for a violation of injunctions were all openly dismissed. Is that correct?

CAPTAIN BARNES: Yes sir.

ASSEMBLYMAN MADDY: Did you have any request at any time during the farm labor problem for mutual aid from adjoining counties?

CAPTAIN BARNES: No sir, we did not.

ASSEMBLYMAN MADDY: You did not seek any help. Is that correct?

CAPTAIN BARNES: No.

ASSEMBLYMAN MADDY: At any time during the entire situation in Tulare County was there a confrontation between the two unions--the Teamsters and the United Farm Workers?

CAPTAIN BARNES: Yes, we had one incident.

ASSEMBLYMAN MADDY: When did that take place?

CAPTAIN BARNES: I'm not sure, I think it was in the first part of August.

ASSEMBLYMAN MADDY: Were there any arrests made as a result of that confrontation?

CAPTAIN BARNES: No.

ASSEMBLYMAN MADDY: Was there violence incident to that confrontation?

CAPTAIN BARNES: No.

ASSEMBLYMAN MADDY: How many shootings occurred during the time of the farm labor problems of violence in Tulare County use of a weapon?

CAPTAIN BARNES: Three, I recall.

ASSEMBLYMAN MADDY: Were arrests made in each of those incidents?

CAPTAIN BARNES: Yes, sir.

ASSEMBLYMAN MADDY: You testified in regard to one incident with Mr. Chavez, and there were two other incidents and arrests made. Is that correct?

CAPTAIN BARNES: Yes, sir.

ASSEMBLYMAN MADDY: Are charges still pending in those cases?

CAPTAIN BARNES: I believe they are, sir.

ASSEMBLYMAN MADDY: I have no other questions.

CHAIRMAN ALATORRE: Do you have any further testimony you want to make to the Committee?

CAPTAIN BARNES: No, sir.

CHAIRMAN ALATORRE: Thank you very much.

CAPTAIN BARNES: Excuse me, there is one thing--I'm not sure if I told you or not, it concerns the total cost.

CHAIRMAN ALATORRE: Yes, why don't you give us the total cost.

CAPTAIN BARNES: The total cost was \$179,686.

CHAIRMAN ALATORRE: Over and above the normal expenditures? What was the cost for?

CAPTAIN BARNES: Man hours and that was their regular pay and overtime pay. \$115,000 of that would be extra pay, of course.

CHAIRMAN ALATORRE: Thank you very much. Mr. Smith. Will you state your name and your position.

MR. WILLIAM A. SMITH: Yes, William A. Smith, District Attorney for Fresno County. I don't have a prepared statement. I wasn't aware that I would need one. It was my understanding to be here to

answer your questions.

CHAIRMAN ALATORRE: Can you answer for the Committee how your office handled the situation during the height of the farm labor dispute?

MR. SMITH: I started, of course, July 23rd. The dispute was already underway. Initially I assigned three deputy district attorneys to the sheriff's office to work in an advisory capacity and to assist in processing the complaints that were involved in the disputes and the filing of the complaints with the court once the arrests were made. Then we prepared the cases for trial and finally began one trial. Cases were all continued after one week of the trial that we had begun. We kept a deputy or two deputies out in the fields with the sheriff's office on the lines wherever we would have problems. We had our deputies check into rumors or any reports of any unlawful activities in the jails. We examined the working procedure out at the industrial farm, and that's about it.

CHAIRMAN ALATORRE: What is the status at the present time of the charges that are still pending? How many charges are pending against how many people, and what has been your general operation?

MR. SMITH: At the present time all the charges originally filed are still pending--none have been dismissed. Approximately 1,700 arrests were made involving almost 1,300 individuals. The cases involving the violation of Penal code section 409-416 all have been continued over into February and March of next year with an agreement with the legal staff of the Union that if we had no further problems with the individuals whose cases are pending by the time they come up for trial, they would be dismissed. We had pro-

blems only with twelve individuals since then. I think out of that twelve only five had charges pending. The charges in all probability will not be dismissed for those five.

In addition to those charges, there are three people charged with misdemeanors other than failing to disperse or obey lawful orders of a police officer. These are violations of trespass primarily. There are three felony charges pending involving force assault on a police officer, I think on two of them, and assault with a deadly weapon on someone other than a police officer on the other one. So we have six cases pending other than the five which involved individuals that were rearrested, and then the other cases are set over to next year.

CHAIRMAN ALATORRE: Is your office involved only in the investigations of the allegations to end the problems that surrounded not only the arrest but the jailing of the farm workers?

MR. SMITH: When you say investigation of the jailing of the farm workers. . .

CHAIRMAN ALATORRE: The problems that were alleged to have occurred when the farm workers were in the jail?

MR. SMITH: Yes.

CHAIRMAN ALATORRE: Your office was involved?

MR. SMITH: Yes.

CHAIRMAN ALATORRE: In what capacity?

MR. SMITH: Myself and one of the deputies conducted an investigation of the jail situation. We talk to witnesses. We talked to some of the prisoners.

CHAIRMAN ALATORRE: What were your general observations after

your conversation with these people?

MR. SMITH: We examined one man that indicated that he had been hit with a night stick, and we examined the injury to his arm and he had a scratch on his arm. I've seen injuries from night sticks in the past. It was my opinion that this was not a night stick injury. I'd talked to some of the people in the cell that had been apparently in Cell 203 where the alleged violations occurred, and we concluded from what we have observed that there had not been an alliance that they described where individuals who walked past deputies and deputies beat them. We didn't find injuries that would be consistent with that. I believe that there were bruises on both some of the prisoners that were members of the farm labor organization as well as the other prisoners in #204 and #203 where two fires had occurred. Some of the deputies also had bruises. It appeared that the floors had been wet down because of the fires. Some of the prisoners were reluctant to cooperate, and they had to be forceably removed; and from the investigation in talking to the people involved, there was a considerable amount of falling inside the two cell blocks that were involved.

CHAIRMAN ALATORRE: How about the officer that was fired from the department for using a broom? Is your department pursuing that?

MR. SMITH: We do not have a complainant. Nobody approached us for a complaint when the officer was fired. The sheriff asked me if we were going to file a complaint against him, and I told him that if we had anybody come to us and ask for a complaint, they would get it like anyone else. This officer got away. We had pursued that in one of the hearings. The description of this officer kept coming up

as an individual who had wheeled some kind of object. I questioned him myself. On each occasion when we talked to him, his story changed.

Eventually he gave a partial confession to the captain of the jail, and it's apparent at least on four occasions he used a broken broom stick and hit someone.

CHAIRMAN ALATORRE: Do you know who it was that he used the broomstick on?

MR. SMITH: There's one man on the table in the dayroom in Cell 204 where there were no farm laborers. He didn't know his name. He said he had trouble getting him out. He hit him, not at that time with a broomstick, but he hit him with the handle of the broom. The sweeping portion of the broom was attached to it. He did not know this man's name. He was later in #203 in the back cell where there were apparently nine people in the farm labor's union. He said one of the individuals as he came out of the cell swung and hit him. He indicated that he had at that time a broken broom handle in his hand. He said he couldn't remember where he got it; that he hit the man on the leg. There was a man in the adjoining cell who was not a farm labor member who refused to come out of the cell. Lee said he went in and it appeared the man was going to strike him with his fist so he hit the man on the leg again breaking the broomstick. He says that's the last he remembers having the broomstick. In a later conversation he admitted having a broomstick again out in a hallway and striking one individual.

CHAIRMAN ALATORRE: Another question. What is the status of those people who were arrested and charged with felonies that were not

members of the United Farm Workers? Some testimony was given by the Sheriff about some of the later incidents, but I don't know how many of them were arrested who were not farm worker related. A few growers, I believe, were arrested for an assault with a deadly weapon.

MR. SMITH: I'm not familiar with the arrests. I've never been advised that we had cases on those individuals or what the status of their cases are.

CHAIRMAN ALATORRE: So you don't know if they are being prosecuted or not?

MR. SMITH: No, no idea. It could be checked fairly rapidly if you would like that information relayed to you.

CHAIRMAN ALATORRE: Could the charges have been dropped without your knowledge?

MR. SMITH: Sure. It's quite possible. We had three deputies working on this particular problem. They were on full time. This was their sole assignment.

CHAIRMAN ALATORRE: I would appreciate the information being forwarded to us: The status of those people who were not members of the farm workers union but who were arrested for the charges of assault. I think you mentioned some others connected to the strike but non-farm worker members. Any other questions from the members?

ASSEMBLYMAN MADDY: Mr. Smith, have you attempted to analyze what the cost would be if it was necessary to go to trial for the 1300 or 1700 arrests that you had in Fresno County as a result of this incident?

MR. SMITH: We did, and the only thing we had to base it on was

anticipated time for the trial for one case that was proceeding. We multiplied that times the number of cases that were pending and it is right at 2.5 million dollars if we try every case that is pending.

CHAIRMAN ALATORRE: That would be for Fresno County alone, is that correct?

MR. SMITH: Fresno County alone.

CHAIRMAN ALATORRE: With those kind of figures, I would assume that would have been the basis for the agreement that was ultimately worked out that as long as these individuals were not subsequently arrested and charged in Fresno County, you would be willing to dismiss the charges. Is that correct?

MR. SMITH: Certainly, that was the major consideration whereby the agreement where they would not be arrested again, at least their legal staff would advise them not to get arrested again, so that we could get the crops in on time in Fresno County. But the cost was a major consideration.

CHAIRMAN ALATORRE: You have indicated 1700 arrests with 1400 individuals. There were a fairly large number who were arrested on many occasions, is that correct?

MR. SMITH: On more than one occasion, I think, we realized that most of them had been arrested 2, 3, or 4 times.

CHAIRMAN ALATORRE: These were for striking or picketing activities which were essentially non-violent?

MR. SMITH: The vast majority of them were non-violent crimes.

CHAIRMAN ALATORRE: In terms of the Legislature looking into the future with similar situations where we have mass demonstrations,

mass intentional violations of the law with as many as 1700 arrests, can you give us any direction as to how you as District Attorney with the number of deputies and the resources available to you in a normal day, or the sheriff with his resources, what we could do legislatively that may assist you other than give you 2.5 million dollars to prosecute your cases?

MR. SMITH: I do not feel that the number of deputies is a problem. We can always hire special prosecutors. We can always bring in judges from the outside. The only area that perhaps some legislative change would be beneficial in problems of this nature, it is apparent to me, that in less than a month we would have exhausted the jury panels in Fresno County, unless there was some way to form a pool of all the potential jurors in the entire County to be drawn upon and sent anywhere within the County. It is my understanding that under the existing laws we cannot take the jury panel from Dunlap and send it up to Ponderosa because it would be systematically eliminating citizens in your judicial district and trying them with citizens of another district. This would be of some assistance. As far as the number of people, special prosecutors and special judges from outside would conceivably solve the problem other than the money problem. I would like to clear up the last question when you asked if every case continued involved non-violent crimes? I refer to some cases being violent acts other than particularly related misconduct, particularly the six cases.

CHAIRMAN ALATORRE: Any case in which violence was involved, do you intend to prosecute?

MR. SMITH: Yes. They will be handled in the same manner that every case would be handled.

CHAIRMAN ALATORRE: It's been charged and it's been stated that there was an attempt made to stop the judicial system of law enforcement in the county by mass arrests and mass demonstrations. Is it your opinion that that could effectively be done if enough people show up and enough people are arrested?

MR. SMITH: In effect it could be done because the system would be completely tied up with cases. There would be one case tried after another. We could have been busy for six months. If we had another bus load to contend with, we could have been busy for another year. Every court in the county would be trying these cases.

CHAIRMAN ALATORRE: The District Attorney in Bakersfield adopted a procedure that was copied from Monterey County, where he participated as an attorney in seeking a civil contempt.

MR. SMITH: I am not familiar with this procedure.

CHAIRMAN ALATORRE: I think the indication was rather than pursue their cases in criminal court, he attempted to obtain civil contempt from the superior courts that issued the injunctions, seeking apparently civil remedies. I wondered if you had adopted any such procedures or have you merely followed your normal procedures through the criminal justice system?

MR. SMITH: We have not followed the contempt procedures. We talked about it, but we felt that we would be better off to proceed as we were doing.

CHAIRMAN ALATORRE: When you came on duty on the 23rd of July you said that the command department was right in the Sheriff's office. Did you find, in terms of your dealing with the problems as District Attorney, that this was an effective way of handling the situation?

MR. SMITH: Yes, we felt that if we could have more men there

working right with the sheriff; in fact, a team of three people from our department were assigned to the sheriff's office and the sheriff had them available anytime day or night. When he ran into a problem and there were questions where we could be of some assistance, our team was there for him. I felt that this was effective. It worked. The sheriff seemed happy with it and we were happy with it.

CHAIRMAN ALATORRE: In terms of the use of the word cooperation between the union and law enforcement of your office, were you in communication with either the attorneys for the farm workers union or members of the farm workers union regarding advance knowledge as to where the picketing was going to take place, the activities of the pickets and whether or not they were attempting at that time to be arrested. Were you in any type of communication such as that?

MR. SMITH: I was in communication with the sheriff's office who apparently was in communication with the pickets. On one occasion I was out at Jensen and McCall when the picket lines were out there. The only direct communication I had with anyone connected with the union was when one of the leaders came up to me and wanted to know why we would not arrest them at that particular time. This was the day when we made no arrests and they were somewhat disturbed because we refused to arrest on that particular day. This was the only direct communication I had with them.

CHAIRMAN ALATORRE: Were there attempts made by your office to effectuate other solutions to this problem other than making mass arrests? I assume that at the time you were out there at Jensen and McCall there were violations of the injunction in terms of dis-

tance between pickets, between blocking entrances, and so forth?

MR. SMITH: This is right.

CHAIRMAN ALATORRE: Was that effective at all or was pressure applied then by the growers to bring about the arrests?

MR. SMITH: The contacts that my office had with the growers primarily was through the sheriff's office. The feeling that we had from the contacts we had with the sheriff's office and the reports that we were getting out of the fields (on almost every occasion I had one or two men out in the fields), the growers seemed to accept the problems that existed as far as the sheriff's office was concerned. They seemed to have a great deal of confidence in the sheriff's ability to handle it in the best way it could be handled under the circumstances. I didn't go out and ask for suggestions from either side. I felt that on either side their feelings would probably be extremely strong, and we just had to stand back and analyze it from a few feet distance.

CHAIRMAN ALATORRE: Did you at any time receive any complaints regarding tighter security patrols that were hired by growers? I'm speaking now of complaints from any persons regarding actions of members of private security patrols?

MR. SMITH: One of the deputies told me that there had been an incident on the North side where one or two of the pickets had been beaten by a private patrol security guard. I told them to check it out and find out if there had been a violation of any law and if there had been, try to get the names of the individuals involved and warrants would be issued. The problem is that it was reported to me on that incident that they had the same problem of identifying the

perpetrators as we had in many instances trying to identify the pickets who would get involved in some misconduct. We couldn't make a valid arrest because we couldn't determine which ones had done what.

CHAIRMAN ALATORRE: So no arrests came out of it?

MR. SMITH: As far as I know, none. The question was asked about other arrest or arrests of other individuals. This is the reason I hesitated because I thought there might have been some arrests later but I don't know. I'll check it out.

CHAIRMAN ALATORRE: If you would, could you provide us, perhaps before the day is out if you have the time, as to what has happened to the complaints filed not only against the farm workers but members of the grower community and the security patrol.

ASSEMBLYMAN NIMMO: At this point, could I inquire as to who the witness was that mentioned the other arrest?

MR. SMITH: Talk to Hal. He has some lists.

CHAIRMAN ALATORRE: Thank you Mr. Smith. Robert Bereman, Tulare County District Attorney. Is he present? Alright, than we'll go on. We'll have a representative from the Nisei Farms League. If you'll give your name, sir.

MR. JIMMY MIZEKI: I am Jimmy Mizeki and I am a rancher from Fresno County. I am representing Nisei Farming League. I haven't a written or prepared statement, but I can answer some questions if you people want to ask. I also brought a farmer that was being picketed by the United Farm Workers and he could tell you more about the stand the law enforcement of Fresno County has taken.

CHAIRMAN ALATORRE: Is he here?

MR. MIZEKI: Yes, he's here. His name is Pete Herman.

CHAIRMAN ALATORRE: Can you state your full name?

MR. PETER HERMAN: Peter Herman. As far as I know, the Sheriff's Department has done a very good job. They went right down the middle of the road. There was no partialities demonstrated one way or the other.

ASSEMBLYMAN MADDY: Did you maintain a private security force?

MR. HERMAN: No, sir.

ASSEMBLYMAN MADDY: How many acres do you farm?

MR. HERMAN: 100 acres.

ASSEMBLYMAN MADDY: As to protection of your property and your workers, you maintained that yourself?

MR. HERMAN: We did.

ASSEMBLYMAN MADDY: Were you picketed?

MR. HERMAN: We were picketed two days in a row.

ASSEMBLYMAN MADDY: Alright. Was the picketing essentially non-violent?

MR. HERMAN: Yes. I have to admit it was non-violent although there was some nails thrown in the driveway.

ASSEMBLYMAN MADDY: Was there any attempt to enter your fields?

MR. HERMAN: No.

ASSEMBLYMAN MADDY: Was there a court injunction covering your property?

MR. HERMAN: There was a court injunction.

ASSEMBLYMAN MADDY: Was the court injunction violated or was it complied with?

MR. HERMAN: It was complied with.

ASSEMBLYMAN MADDY: Other than the nails, you had no problems in terms of the farm labor situation? The sheriff deputies were present

at your farm?

MR. HERMAN: Sheriff deputies were present at all times. There was approximately six cars if I remember right. I don't know how many were in each car but there were six carloads of sheriffs there.

ASSEMBLYMAN MADDY: Were there any pickets?

MR. HERMAN: I would estimate there were about 75 pickets.

ASSEMBLYMAN MADDY: Were there any arrests made?

MR. HERMAN: Yes, I think there was one arrest made. One of the picketers threw a rock through the windshield on the ranch below. He came up here to my place and the sheriffs arrested him.

ASSEMBLYMAN MADDY: Was there any attempt by anyone to follow your workers home, to prevent them from coming to work in the morning?

MR. HERMAN: Yes, there have been. The second morning was when we saw nails. The sheriff was there and he escorted my workers through the lines.

ASSEMBLYMAN MADDY: Did you have any contract with any of the unions?

MR. HERMAN: No. I don't. I have been farming for 30 years and I have yet to have anybody approach me.

ASSEMBLYMAN MADDY: Are any of the Nisei farmers under contract with any union?

MR. MIZEKI: As of right now, I don't know of any.

ASSEMBLYMAN MADDY: Approximately how many farmers are in your organization?

MR. MIZEKI: I think our membership is over a thousand now.

ASSEMBLYMAN MADDY: How many are farmers?

MR. MIZEKI: Practically 99% are farmers. We have some supporting members who are farm workers, and retired businessmen and retired farmers.

ASSEMBLYMAN MADDY: How many acres does this represent?

MR. MIZEKI: It's hard to say. I don't know. We have farmers that have as much as 1000 acres and then farmers with as little as five acres. So it's composition group. It's not only Japanese, it's of all nationalities, including Mexicans, Armenians, Germans, Swedes, you name it. During the time that I had been helping the farmers harvest their fruit, we have been harrassed by the farm workers under Chavez. I have been called all kinds of names. I've been given the finger. It's all non-violent. It's strictly what they say. The policy of our organization is to carry no weapons. No weapons whatsoever. We don't carry any clubs, we don't carry any kind of instrument. The only thing we carry are tape recorders or cameras and that is the only thing that we carry.

The times that I was on the picket lines I always carried a camera and my tape recorder. This farm violence could be very easily solved by the Legislature passing a law. Introducing a bill was the first step we wanted to take but under the national pressure of the Democratic party this was shelved. The Ketchum bill was thrown out of the hearing and the committee meeting. Mr. Chavez was really against Proposition 22 but it passed.

ASSEMBLYMAN MADDY: Mr. Chairman. Mr. Mizeki, we appreciate your statement. The Chairman under whose direction we started this meeting said that what we are really after is, that we should be looking for solutions, legislative solutions, in terms of trying to meet a possible crisis like we had this summer. One of the things we

are talking about are the security patrols. I would like to know if any of the Nisei farms hired security patrols?

MR. MIZEKI: As of right now, I don't know of any particular farm that hired security guards. I will say again that the County Sheriff's Department did a wonderful job. They were unbiased; they were down the center of the line; they played no favoritism and they did a wonderful job of keeping the violence at a minimum. I think that Captain Barnes and his personnel should be commended because his department did a wonderful job.

ASSEMBLYMAN MADDY: It was the policy of the Nisei Farms not to have tighter security patrols. You cooperated among yourselves?

MR. MIZEKI: Yes. None of us hired a private security patrol. This subject was brought up but we never did pass a resolution concerning it.

ASSEMBLYMAN MADDY: Was there any patrolling or guarding your fields after working hours?

MR. MIZEKI: Some of the field owners probably did. When they picketed they probably had their own guards. I don't know.

ASSEMBLYMAN MADDY: Do you know if your policy of not carrying weapons was maintained?

MR. MIZEKI: I don't have any information where a member carried an arm on the picket lines or any other time.

CHAIRMAN ALATORRE: Any other questions. Thank you very much. The next three witnesses are the remainder of the witnesses that will be testifying for the United Farm Workers. Luis Soto, Ray Huerta and Dr. John Rodebaugh. Can you state your name for the committee, sir?

LUIS SOTO: Luis Soto.

INTERPRETOR: He says they were out there watching and when the police came around they took this other boy and hit him with a club. They hit him across the hand and fingers.

CHAIRMAN ALATORRE: Mrs. DeLaCruz, ask him where the ranch is located?

INTERPRETOR: Tulare County.

CHAIRMAN ALATORRE: Could you just try to give a synopsis of what he has said up to this time?

INTERPRETOR: Two policemen were there and when he saw what was happening after they hit him, he took off and tried to hide in a cotton patch. They followed him in there and beat him.

ASSEMBLYMAN NIMMO: Question, Mr. Chairman. I'd like to know if the witness was engaged in picketing activities or what the purpose of his being there was, when all this occurred.

INTERPRETOR: He was joining the picket line. After they hit him, they put him in the car and just drove around. They told him they would give him medical attention, but he didn't get nothing. They just drove around. They kept cruising around and they were in between Kern and Tulare Counties. They took about half an hour and they stopped the car saying that the tire wasn't very good. They then took him to jail. But he was not arrested and he was not taken to a hospital. He was taken to jail but they didn't arrest him. They just questioned him and somebody else came along and told him that they had to take him to a doctor. He has to appear in court. The felony charges have been reduced.

No, because it was all handled by a lawyer and he's the one that is in charge. He's a union lawyer and he's taken care of things.

He says there was another boy who was shot in the back. He's not present right now but if you need him we can bring him. He's in Delano right now. He said a Mr. Pando claims that there was discrimination against Puerto Ricans. This is not true because he is Puerto Rican. All races are on the picket lines. Thank you.

CHAIRMAN ALATORRE: Mr. Huerta and Mr. Rodebaugh. Give your names for the Committee.

MR. RAY HUERTA: Ray Huerta, Organizer for the United Farm Workers Union. I want to go back over some of what Mr. Chavez was discussing. He generalized mostly or gave the overall picture of the violence and what was happening in the strikes more or less in the three counties. I was coordinating the strike in Fresno County, the southern, eastern and northern part of the county, primarily dealing with the tree fruit and grapes. I was in direct communication with the strikers. We met every morning. I was also in direct communication with the picket captains, getting the reports, and also filing the grievances, and the declarations in regard to the violence against our members or the strikers. First of all, the growers are of course craving the Sheriff's department. However, it is a known fact that the growers along with the Sheriff's department had organized a vigilance committee. The growers were running around in packs, following the caravans with the strikers, standing in front of the strikers when they would reach the fields. We have documentation and also a local newspaper took photographs of the weapons brandished by the growers; guns, clubs, knives, rifles, and this type of material to intimidate the strikers. There were many many incidences where the growers while we were enroute to our respective ranches that we

were going to picket, would get into the caravan and start running out the strikers and the people in their automobiles off of the roads without any response whatsoever from the Sheriff's Department. I challenge the testimony of the Undersheriff in that the situation was handled professionally. It was not handled professionally. In my opinion it was handled somewhat of the gestapo tactics in that every time we would file or were asked to file a complaint against certain individuals, they would intimidate and harass and use violence against our strikers. The Sheriff's Department would refuse to file these complaints. We followed up on many of these complaints to see if they had been filed, as it was promised, and 99% of these complaints were not filed through the Sheriff's Department or the District Attorney's office. The growers also armed the scabs. There were many incidents of scabs bandishing weapons, rifles, clubs and knives. It has already been admitted here at this hearing that in fact the growers did arm the scabs. It has also been stated here that their repudiation of the Sheriff's Department in regard to the violence or the brutal attack on our members in the jail, the testimony has been given that one scapegoat officer was dismissed because of his handling of the situation there in the county jail. We have testimony, we have photographs, we have declarations, to substantiate the fact that the nine strikers in question, were brutally assaulted by the Sheriff's Department in the jail.

CHAIRMAN ALATORRE: Let me ask you a couple of questions. What kind of communication did you have with the Sheriff and with the District Attorney during the time of the dispute?

MR. HUERTA: I had no communication whatsoever with the Sheriff.

CHAIRMAN ALATORRE: What attempts did you make to establish communications with the Sheriff and the District Attorney?

MR. HUERTA: The attorney who had established the communication. .

CHAIRMAN ALATORRE: What attorneys?

MR. HUERTA: The Union attorneys, Peter Haberfelt and Alan Lake, and the legal helpers that we had in the office. Liza Hersh, Alberta, Thompson and there were two others. And they were in direct communication with the District Attorney.

CHAIRMAN ALATORRE: Did you file or attempt to file any complaints against either growers or other people who were interfering with what you felt was your constitutional right to conduct your strike?

MR. HUERTA: That was our first step. We didn't want to get involved with the Sheriff's Department. Our fight was not with the Sheriff's Department, our fight was with the growers. And after we noted that the Sheriff's Department and the growers had evidently gotten together to disorganize the strike, then of course, many of the energies were focused on the Sheriff's Department because they were enforcing, in fact, unconstitutional injunctions. We knew they were unconstitutional; they were harassing us out on the picket lines; they were arresting people, for example, they wanted to arrest people. When we go to a ranch to picket, 100 feet apart, if another person went up to that person, for example, the picket captain to give instructions to that one person, he was subject to an arrest. We could not park our automobiles across the street from the joint fields, you know, this type of harassment. And immediately the workers noted that in fact, the Sheriffs were not being impartial but being very, very partial towards growers and enforcing and harassing the strikers.

CHAIRMAN ALATORRE: Besides your attempts to make complaints with the Sheriff and the District Attorney, did you make any of your complaints of the nature that you are talking about right now to any other agency?

MR. HUERTA: We had to call the Justice Department, the CRS, a division of the Justice Department. We were getting no results whatsoever or cooperation from the Sheriff's Department. We were put off and, in fact, I believe Mr. Maddy came out with a statement that we were gearing our efforts towards the Sheriff's Department through frustration because we could not get our contracts, and this was the attitude of the Sheriff, that we were attacking him in order to publicize because of the strike. And in fact, we were fighting for our rights to picket the ranches that we had under contract previously. And again the Sheriff came out with statements such as; they are using their energy to attack the Sheriff's Department through frustration. This was the attitude of the Sheriff's Department, and there was no way that we can deal with that type of mentality in a situation such as we have here. The 1900 arrests were made in, I believe, a matter of ten days. We also noticed down towards the end that farm workers who were already arrested when the religious groups came in to support us, mostly white, nuns, priests, reverends, ministers-- when they came into Fresno and helped us at the picket lines, they ceased to arrest, although they already had hundreds of farm workers arrested. And then to add insult was the fact that they detained the 450 farm workers and supporters for two weeks --for two weeks for failing to disperse. The District Attorney's office along with the officers and the probation department also added to the suffering of the farm

workers. They were in dispute over some type of bureaucratic system they had devised during the strike. In the meantime the strikers, and I'm talking about not only the head of household, but also the wife and children were also arrested and in the jails. Because of this bureaucratic system they had devised, they could not coordinate and the farm workers had to remain in the jails for a period of two weeks. The condition of the jails is of course, obvious - if any of you have visited the county jails. The report from a so-called, adhoc committee to investigate the jail situation was very rapidly organized and, in fact, we had no communication with them whatsoever to give them our side of the story. Also one of the members of that committee repudiated in the Fresno Bee the statement that all was well. All was not well. When the committee investigated and when Mr. Maddy came on the scene, this was after the subjection of the farm workers to the adverse conditions of the jails. The cramming, the lack of medical attention, the lack of food, the lack of blankets, mattresses, and in some cases, water, the denial of phone calls, the denial of visits, and you now, just the gambit. They were completely refused any rights whatsoever.

CHAIRMAN ALATORRE: What member of that adhoc committee repudiated and where?

MR. HUERTA: In the Fresno Bee, I believe some days after the statement from the committee. Jess Quintero wrote a letter to the Bee and told the editors they were repudiating. . .

CHAIRMAN ALATORRE: Do you have a copy of that letter, sir, for the committee?

MR. HUERTA: Not on hand, I don't.

ASSEMBLYMAN MADDY: Mr. Chairman, we would be glad to have Mr. Quintero testify if it is necessary at some later time, so we can get it direct from him. Were you one of the nine confined on July 21st?

MR. HUERTA: No. I was not.

ASSEMBLYMAN MADDY: When did the mass arrest begin in Fresno County? What date?

MR. HUERTA: Well, what do you mean by mass arrests?

ASSEMBLYMAN MADDY: When were the first arrests in Fresno County, in large numbers?

MR. HUERTA: Monday, the 18th of July.

ASSEMBLYMAN MADDY: Were you arrested on the 18th of July?

MR. HUERTA: I was not arrested at any time.

ASSEMBLYMAN MADDY: The people were taken to the industrial farm, is that correct?

MR. HUERTA: Some were taken to the industrial farm.

ASSEMBLYMAN MADDY: I think the testimony was that nine were taken to the Fresno County jail on July 21st. For your information I never made any statement until after I visited the jail on July 23rd along with Mr. Armando Rodriguez.

MR. HUERTA: Yes, that was after they were beaten and released.

ASSEMBLYMAN MADDY: And that was a visit that was made by Mr. Rodriguez and myself not only to the jail but to the industrial farm where we talked to most of the pickets. I requested that you, Mr. Chairman, take the statement of Mr. Rodriguez in the Fresno Bee, also regarding his impressions of that visit.

MR. HUERTA: You stated that you visited the farm. . .

ASSEMBLYMAN MADDY: The industrial farm on July 23rd.

MR. HUERTA: And not the jail?

ASSEMBLYMAN MADDY: And the jail.

MR. HUERTA: On the same date?

ASSEMBLYMAN MADDY: On the 22nd of July. You mentioned conditions.

Did you visit the jail any of those times?

MR. HUERTA: Yes, we had visited the jail.

ASSEMBLYMAN MADDY: During that same period of time?

MR. HUERTA: No, sorry, I take that back. We were also refused by the Sheriff's Department any contact or communication with the picketers as well as the legal aides, doctors, etc.

ASSEMBLYMAN MADDY: Mr. Chavez testified earlier that he visited the jail, I think on the same week I was with him and later on in that week with Senator Moscone. Was there a request by Mr. Chavez to visit the jail at any time prior to that time that you know?

MR. HUERTA: Not that I recall.

ASSEMBLYMAN MADDY: Who requested to visit the jail at any prior time?

MR. HUERTA: The Union Attorneys.

ASSEMBLYMAN MADDY: And when was that?

MR. HUERTA: That was the 20th, and I believe also our medical staff had asked to visit the people who were arrested on the 21st.

ASSEMBLYMAN MADDY: And they were refused? When were they allowed to visit the jail? By the 23rd, I think, the doctors had been in the jail.

MR. HUERTA: Right, I believe because of the complaints of the

workers who had been arrested, no pressure was exerted. Our attorneys also called the District Attorney's office. Also that is when the Community Relation Service intervened and requested that the doctors be allowed to visit the arrested. . .

ASSEMBLYMAN MADDY: The testimony that the men were denied medical treatment or that they were denied the right to see their own doctor?

MR. HUERTA: They were denied everything.

ASSEMBLYMAN MADDY: They were denied both, is that correct? You indicated that there were complaints filed? Can you tell me when any complaints were filed that were not responded to by the District Attorney's office in Fresno County?

MR. HUERTA: We have a whole box full of them, if you want to go through them.

ASSEMBLYMAN MADDY: Were complaints made with the District Attorney's office?

MR. HUERTA: Correct.

ASSEMBLYMAN MADDY: Signed complaints?

MR. HUERTA: Signed complaints.

ASSEMBLYMAN MADDY: And they were refused the same day they were made, is that correct?

MR. HUERTA: We would file the complaints with the Sheriff out in the field with the assurance that they would be submitted to the District Attorney. What we would do, in fact, we would get the victim's testimony and make our own declarations and have him sign it.

ASSEMBLYMAN MADDY: Let me ask you this. The District Attorney just testified that he did not refuse any complaints. At anytime did you personally, or to your knowledge, did anyone go to the District Attorney's

office against anyone and had that complaint refused?

MR. HUERTA: I believe Mr...one of the attorneys - Peter Haberfelt had made various contacts with the District Attorney. I'm talking about the District Attorney that was there prior to the 23rd. I don't know where the new District Attorney was at that time. I had no contact.

ASSEMBLYMAN MADDY: Do you have any knowledge whether or not Mr. Haberfelt was ever denied a complaint being filed when he appeared in the District Attorney's office to register such a complaint?

MR. HUERTA: Yes, we have some documentation. . .

ASSEMBLYMAN MADDY: Is Mr. Haberfelt in the audience?

MR. HUERTA: No, he's in Livingston.

ASSEMBLYMAN MADDY: He indicated also that the people were held. Then Sheriff McKinney testified and I was also present on July 23rd when pickets were offered the right to sign a citation and be released. Their information to us was that they had instructions not to sign out. Were those the instructions that were being given to them by your organization?

MR. HUERTA: They make their own instructions in regard to solidarity. They felt that if the Sheriff's Department was only going to release a handful of the strikers to perhaps appease the rest of the membership, they felt that they would not be appeased until they all were released. We gave them no instructions that they should not. . .

ASSEMBLYMAN MADDY: What they told me then was incorrect?

MR. HUERTA: Who told you?

ASSEMBLYMAN MADDY: Members, pickets that were arrested and were residing at the industrial farm at that time said to me and also said to Armando Rodriguez that they were instructed not to sign citations to be released?

ASSEMBLYMAN MADDY: All right. That's all the questions I have at this time.

MR. HUERTA: Now, in regard to the way that the arrest was made, and it has already been made part of the record, that of the 1900 arrests of the farm workers, one or two of the growers in the area were arrested. Now, to my knowledge, there was very, very limited violence on the part of the farm workers. There might have been one or two occasions where a couple of the youngsters got over-zealous. I believe that one of them was arrested for throwing a rock. Other than that there are no records of the farm workers being involved in any riot action or burning sheds or cutting down vines or this type of thing. It's very, very easy to blame the farm workers for these incidents, and we also have records that in many instances the growers themselves have caused the damage.

CHAIRMAN ALATORRE: Were any weapons seized by any law enforcement officials from the growers?

MR. HUERTA: I believe there was one incident where one of the growers was firing a gun at the strikers and I believe that the gun was confiscated. He was taken, from what we understand, into Fresno and immediately released. Now, I don't know if he was charged or if he was even arrested.

CHAIRMAN ALATORRE: Could we hear from Doctor Rodebaugh? And you can stay here for any questions that might come up.

MR. HUERTA: Certainly, thank you very much.

CHAIRMAN ALATORRE: Could you state your name for the record, sir?

DOCTOR JOHN RODEBAUGH: My name is John Rodebaugh, and I'm the physician with the Union in the Sanger clinic, the clinic of Cinco de Mayo.

On the evening of July 21st, we were notified by Peter Haberfelt, a Union lawyer, that two dozen farm workers in different jails needed assistance. Some had diabetes, one was pregnant, several were juveniles, some had ulcers and one was near psychosis. And they were concerned about their medical care and wanted us to step in and take a look. At six-thirty, Sunday morning, after getting our equipment together we arrived at the jail and started seeing patients.

CHAIRMAN ALATORRE: That was on what day?

DR. RODEBAUGH: That was on Sunday, the twenty-second of July. It was evident to me at that time that there were many more patients than we could see and I asked to see the jail physician, Dr. Cobb. I put in a telephone call for him immediately and kept trying to reach him and ask him for assistance. At 8:25 we met Miguel Gonzales, one of the nine prisoners who was speaking. He described what happened to him, and his description I think is worth reciting just briefly. He said, "I was placed in a hole; we had stinky blankets, no walking room, metal bunks. There was a fire, you heard about the fire. Following the fire a policeman went along the jail cells with a stick and beat the bars with this stick and said 'All right you _ _ _ _ Mexicans, get out!' The fire hose was then turned on them and the water hit them and they slipped and fell. Miguel was clubbed by a man with a night stick or a broomstick, he wasn't sure which. As they ran out, they were pushed and shoved and then he stated that the stick broke on the first blow so the subsequent blow inflicted scratches from splintered wood. Then at another point one of the officers said, "O. K. you've been asking for a shower, now you're going to get it," and they turned the fire hose on them. The only way they could get out - many of the men - was to really pull them-

selves along by the fire hose. Following this, we asked to see one of the prisoners, Juan Salazar, whom we heard had a broken arm. We weren't sure about this; we hadn't seen him, but we've known that he was sent over to the hospital for an X-ray. We called for him early in the morning; it was only at 3:00 p.m. that we were finally able to see him.

ASSEMBLYMAN MADDY: On what date?

DOCTOR RODEBAUGH: It was on the same date, July 22. Juan was unable to move his right arm and on examination, though there was no fracture evident, I felt that he might have a dislocation of his shoulder. I asked that he be sent again to the emergency room for a repeat film. His description is similar to the one that we just heard from the previous men.

ASSEMBLYMAN MADDY: Mr. Chairman, Before you leave, Doctor, you diagnosed that there was a dislocation of the shoulder?

DOCTOR RODEBAUGH: No, a possible dislocation. I did not make a diagnosis.

ASSEMBLYMAN MADDY: Doctor, I remember reading on the twenty-second a newspaper article quoting you in terms of injury sustained by the nine people. Did you make statements to the press in terms of the injuries that were involved in this?

DOCTOR RODEBAUGH: Yes, I did.

ASSEMBLYMAN MADDY: What was it that you indicated happened to Mr. Salazar?

DOCTOR RODEBAUGH: Mr. Salazar I felt at that time had bruises to his shoulder and was unable to use his right arm.

ASSEMBLYMAN MADDY: Is that the statement you made to the press at that time?

DOCTOR RODEBAUGH: There are some other people that we're talking about. . .

ASSEMBLYMAN MADDY: I'll get to those, but can you tell me what you said to the press in terms of the injuries to Mr. Salazar?

DOCTOR RODEBAUGH: I think you can see that in the newspapers, sir, if you want to read it.

ASSEMBLYMAN MADDY: Do you recall it or. . .

DOCTOR RODEBAUGH: Yes, sir . . . Mr. Salazar's material is here. Mr. Salazar was bruised and injured on his right arm and shoulder and, at that point, I felt that he had a possible dislocation in his shoulder. The police found he had a broken arm because they sent him for an X-ray of his arm early that morning. Later that day I asked again that he be sent for X-rays.

ASSEMBLYMAN MADDY: What was the final conclusion?

DOCTOR RODEBAUGH: The final conclusion was that he had no fracture and he also had no dislocation.

ASSEMBLYMAN MADDY: Thank you.

DOCTOR RODEBAUGH: And I comply with that. The next man whom we saw was Pablo Rodriquez. Pablo Rodriquez was a farm worker who was knocked down and dragged by the hair along the corridor. He was in a state of shock when I saw him at 4:30 p.m. the same day, and after my examination he was walking with great difficulty. He had a foot drop on the right. And his reflexes were different from the right side compared to the left. I felt this indicated to me, as a physician, that he should have further medical attention and I asked that he be sent to the Valley Medical Center for evaluation neurologically. I was unable to get him transferred immediately. I asked Captain Hallen about transferring him, and he felt that this could not be done. When I was able

to reach Doctor Cobb at 6:00 p.m., Doctor Cobb stated that he had no jurisdiction; he was only a consultant and he could not come in to see the patient. Finally it was agreed that he would be sent to the emergency room where he was examined. On the basis of their findings he did not have a subtemporal hematoma. However, I felt, that because he was in a state of shock, he should be evaluated.

ASSEMBLYMAN NIMMO: That was published in the newspaper also?

DOCTOR RODEBAUGH: That's right.

ASSEMBLYMAN NIMMO: Your diagnosis for subtemporal hematoma?

DOCTOR RODEBAUGH: Sir, in the emergency situation, when a physician makes a diagnosis to follow through on a patient, that doesn't necessarily mean that . . .

ASSEMBLYMAN NIMMO: Doctor, I'm not questioning your medical expertise. What concerns me and what we're looking at in terms of the future is the impact, at least it seems to me, of press statements and press releases during a heightened confrontation between groups such as this. Now, it concerns me in terms of how that adds to the problems that we already have.

DOCTOR RODEBAUGH: I see, I understand that.

ASSEMBLYMAN NIMMO: You said that the patient was thrown and dragged by the hair through the corridor. Were you an observer of that or is that hearsay?

DOCTOR RODEBAUGH: That is what the patient told me. The next person we saw was Frank Campos from whom you already heard. Finally, we saw Mike Drake at 5:10 p.m. on the twenty-second of July. He again stated the same thing as you heard from the others. He had a number of bruises and stated most coherently what happened at that point, The

fact that there were a number of deputies lined up in the corridor and that they pushed and shoved and hit the men as they were leaving their cells, ordered to leave their cells.

ASSEMBLYMAN MADDY: Doctor, in terms of Mike Drake, was there any diagnosis of his injuries by you or any statement made in regard to Mr. Drake?

DOCTOR RODEBAUGH: Yes, I have.

ASSEMBLYMAN MADDY: I put that in reference to and I'm asking it because I think most legislators in this State received communiques regarding Mike Drake which asked and demanded action. This prompted me to go out to the jail to see Mr. Drake on July 23. Again, the information we received from the friends of Mike Drake was a long list of serious injuries and I'm concerned about where they got that information.

DOCTOR RODEBAUGH: All right, I can tell you the information that we have and I have a diagnosis on him. The first was that he had abrasions and soreness of his left knee; abrasions of the right elbow; and a bruise on his left knee. We cleaned these up and dressed the one on the right forehead. The other injuries were treated but were not dressed. These were the extent of his injuries at the time; he had no fractures.

ASSEMBLYMAN MADDY: On July 23 when Mr. Rodriquez and I saw him, he had no complaints and suffered no visible signs of injury.

DOCTOR RODEBAUGH: You talked to him?

ASSEMBLYMAN MADDY: I talked to Mr. Drake. . . Mr. Rodriquez talked to Mr. Drake . . . several others did . . .

DOCTOR RODEBAUGH: And he stated that he was not injured by the police?

ASSEMBLYMAN MADDY: I said Mr. Drake had no visible signs of injury because he said he felt fine and he was being treated well.

DOCTOR RODEBAUGH: Fine, I appreciate that. As a physician, under the circumstances, I'll stand behind my observations.

ASSEMBLYMAN MADDY: I have no question of your expertise, Doctor, but again, as I said, it concerns me in terms of inflaming the confrontation and what I was concerned about is that most of it stemmed from medical reports that came from you on July 22. I at that time did not think that it was helping the situation to have that put into the press.

DOCTOR RODEBAUGH: The next patient whom we saw had a 3-inch deep scratch mark on his right cheek. This was dressed and an ointment was placed on this.

I think I can mention he also had a possible dislocation of the shoulder. We were unable to get him to see a physician. We were unable to get him out of the jail during his time for X-ray, and Juan Galvan finally was seen after he was discharged from the jail. He was never able to get X-ray or emergency care except under our circumstances.

CHAIRMAN ALATORRE: How long was he in jail?

DOCTOR RODEBAUGH: He was in jail initially, I believe, for three days. He was discharged and immediately arrested and placed back in jail. So he had no chance to follow that through.

CHAIRMAN ALATORRE: Is there a medical doctor at the jail?

DOCTOR RODEBAUGH: Yes.

CHAIRMAN ALATORRE: What type of cooperation did you have with the doctor at the jail?

DOCTOR RODEBAUGH: I called Dr. Cobb, the jail physician, on Sunday morning, July 22 at 8:30 in the morning. He finally answered my telephone calls at 6 in the evening and said that he was unable to come in, that he was a consultant only and everything would be under the jurisdiction of the Sheriff's Department. I did ask him to see some of the patients on the following day, which he did. The first of those patients whom he saw was Pablo Rodriguez. The attitude of Dr. Cobb had in the situation developed to such a degree that Pablo refused to see him. At that point, the conditions had deteriorated to such a degree that many of our patients were unable to be seen by the jail physicians and we had to come in on daily visits to see them.

I'd like to make some comments about the jail, because I think if one looks ahead and looks at what society owes people who are citizens, one is decent jails. I think that schools are important. I think that hospitals are important. I think also jails are places for people to be rehabilitated and are also very important. We thought we had some observations about the Fresno County jail. First, the prisoners, especially those who speak Spanish, have great difficulty in obtaining medical consultations from the prison doctor, Dr. Cobb, or getting through for fair medical attention. Sometimes they have to wait two or three days before they are seen. Many prisoners with chronic medical problems are often ignored by the officers; prescriptions are ignored, the medications are confiscated. Some of these have diabetes, hypertension or chronic heart trouble and need constant medication.

CHAIRMAN ALATORRE: Were any of the people that were arrested - were any of their prescriptions or other medicines they might have had in their possession, were they confiscated?

DOCTOR RODEBAUGH: Yes. Frank Campos is a good example. I'm not sure if he is here or not. But Frank is a diabetic. He had medication and this was removed from him, and for a few days he was unable to get other medication. He was also on a diabetic diet and people refused to give that to him.

CHAIRMAN ALATORRE: Did he inform the jailer or the medical doctor that he was a diabetic?

DOCTOR RODEBAUGH: Yes.

CHAIRMAN ALATORRE: They refused to administer the medicine that he needed?

DOCTOR RODEBAUGH: That's right. He was not getting insulin but he was getting one of the oral diabetic medications; and he did inform both the nursing staff and the medical staff that he was not getting his medication.

CHAIRMAN ALATORRE: What was their response?

DOCTOR RODEBAUGH: The response went through the desk sergeant namely, that we're not going to bother about your diet. Frank is here. I think he can follow that through if you wish to hear it.

There were three instances out at the industrial farm where medications were taken from prisoners also.

ASSEMBLYMAN MADDY: What I wanted to ask the Doctor, in terms of your recommendations about the County jail, are you speaking now in particular instances in which there are large numbers. I think you will agree that the situation on July 21st, 22nd, 23rd, and 24th was not the usual situation. They had 400 arrests and the question that I would ask is whether or not you are directing your remarks to those types of situations or to the usual situation?

DOCTOR RODEBAUGH: Let me give an example I think which will answer whether you have many people or just a few. One farm worker with epilepsy was given no medication for three days. He was at the industrial farm. You may well have heard about him. He convulsed three times before he was finally given his medications--the medication he had with him was taken from him--and finally his medication was given only at the insistence of one of our clinic nurses who was also in jail at the time. There was no excuse for this happening whether you have a lot of prisoners or whether you have a few. The man had his medication with him. He was known to be a man who convulsed and was known to anyone who has had any experience to need his medication. It was kept only, we think, because somebody was perhaps harrassing him.

ASSEMBLYMAN MADDY: As I recall the situation at the industrial farm, the property of the prisoners were not taken. Anything that resembled medication, prescriptive drugs, or whatever were taken. On the incidences that I'm relating to, Mr. Rodriquez and I at that point attempted to have at least three, and I can't recall the names--Mr. Rodriquez has them--have the medication returned when somebody there could substantiate the fact that this medication had been prescribed. The explanaton that we received was that they had processed 400 persons through, they made some rules in terms of what they took from the prisoners, and then were attempting to catch up. Whether it took three days, I would perhaps agree it would have been better to have a doctor in attendance as they made the 400 arrests. But they did not.

DOCTOR RODEBAUGH: I would like to make further comments about the doctor in attendance. The director of the County jail medical program is often unavailable for emergency call. In fact, when he is not in the jail, it is almost impossible to reach him. It took us 10 hours to

reach him on Sunday, July 22nd. He refused to come to the jail for the man in question, Pablo Rodriguez, whom I was really concerned about.

On the following day in the afternoon, I called his office again for an opinion, because I'm not a jail physician and I wanted some advice on some conditions of people that I was seeing. His office was unable to locate him and they had no indications of his plans that day. Later in talking with him, he said he never visits the prisoners in the cells, he never visits the jail hospital for daily rounds, and perhaps you saw the jail hospital. Did you have a chance to see that? The jail hospital was crowded and had inadequate lighting. It looks like an animal pen and had no facilities for isolation of patients with infectious disease and is literally unsupervised by a physician.

In fact, Dr. Cobb stated to me that he had never visited the jail hospital and that this was not in his jurisdiction. He would visit people in the dispensary on sick call only.

One other comment I would like to make, and this is an observation of someone who is quite concerned about medicines. The dispensary where patients are seen on sick call has large bottles of cough syrup that contain a gallon or so. It also has on the floor with these bottles rust removers and cleaning solutions all of which are posionous and which could easily be mistaken for a cough syrup. And I only mention this as constructive criticism that this is something that could be quickly taken care of.

In summary, I recommend that the County Jail is an improper facility at the present time for the incarceration of prisoners. It has no windows. It has no arrangements for excerising of prisoners which is normally a thing that all of us expect physiologically. I believe it

should be investigated by observers from the outside to look at it in the long-term planning, because in a community such as Fresno County, it may well be some of our own children will be jailed at sometime. It would be well for us to look ahead and look at what its conditions can be in the future. I really think that an outside organization should look at it, reevaluate what's being done rather than putting a lot of money in it at the present time.

ASSEMBLYMAN MADDY: Mr. Chairman. To clear up one thing, Doctor, it is my understanding that the jail has, in the event of an emergency medical treatment, a procedure to transport the men to the Valley Medical Center.

DOCTOR RODEBAUGH: That's right.

ASSEMBLYMAN MADDY: During this period of time, the 21st through 24th, to your knowledge were any of the farm workers transported to the Valley Medical Center for emergency medical treatment?

DOCTOR RODEBAUGH: Yes, there was somebody transported.

ASSEMBLYMAN MADDY: From the 21st to the 24th? Transported during that period of time, and that individual did receive treatment -- emergency treatment at the Valley Medical Center where there were doctors available?

DOCTOR RODEBAUGH: Yes, In fact we have asked and requested that several people be sent and they were, All except two men were not. Pablo Rodriquez was one, who only after I reached Dr. Cobb and only after I raised a number of questions was he finally transferred by Captain Hallum. It was a great deal of effort to get him transferred.

ASSEMBLYMAN MADDY: The point that I'm making is that Dr. Cobb was not the only physician who can treat prisoners in this county if they can

go to the Valley Medical Center.

DOCTOR RODEBAUGH: But they are under his supervision.

ASSEMBLYMAN MADDY: The other think that I thought was that during the remodeling of the jail there is a proposed exercise yard?

DOCTOR RODEBAUGH: I'm not sure. I hope there is.

ASSEMBLYMAN MOBLEY: Mr. Chairman.

CHAIRMAN ALATORRE: Yes.

ASSEMBLYMAN MOBLEY: There's one thing that you said, Doctor, that kind of alarmed me that you said that the jail was no fit place for children.

DOCTOR RODEBAUGH: I didn't . . . Did I say that?

ASSEMBLYMAN MOBLEY: You said that some of our children may be there sometime.

DOCTOR RODEBAUGH: I meant as adults.

ASSEMBLYMAN MOBLEY: Oh, I see what you mean. I was wondering if you saw any children in the jail?

DOCTOR RODEBAUGH: No, no.

CHAIRMAN ALATORRE: Can I ask you another question? Number one, to your knowledge is Dr. Cobb a full time doctor?

DOCTOR RODEBAUGH: He works part time at the jail and part time at the Valley Medical Center.

CHAIRMAN ALATORRE: To your knowledge does the County of Fresno have a full-time doctor on the staff at the jail?

DOCTOR RODEBAUGH: No, they do not.

CHAIRMAN ALATORRE: Did you have any other problems, not talking about Fresno, but talking about Tulare County? Did you have any pro-

blems in the area of extension of medical treatment to prisoners who were incarcerated at the jail?

DOCTOR RODEBAUGH: We were so busy in Fresno County as a medical team that we were unable to get involved in either Tulare or other counties.

CHAIRMAN ALATORRE: Did you receive any complaints from your members of any problems related to the extension of medical treatment in Tulare?

DOCTOR RODEBAUGH: Yes, I think they wanted us to be able to extend ourselves -- to be able to get there also.

CHAIRMAN ALATORRE: Did the workers find the same problems in Tulare that they were experiencing in Fresno?

DOCTOR RODEBAUGH: I can't give you the details on that. I'm sorry.

And I would like to make one further statement, and one must realize that it was a heated situation. We were concerned about the patients. Captain Hallen and the remainder of the jail personnel were concerned about their image, because it had been shattered a bit. At one point on August 3, 1973 at 10:30 p.m., we were in the jail because often we had to do sick call in the evenings after the regular jail had finished their regular sick call. I had asked again to see Dr. Cobb about some medication for a patient who was not getting it. He was a man with tuberculosis, and he was on INHA medication which he had to have each day. He was not getting it. I complained to Captain Hallen and he stated that I should abide by the rules of the jail which included a restrictive document allowing us to see patients only in the dispensary and only after hours. And he said, "You will see

your patients after hours and will not interfere with the functions of the jail. I don't give a good-God-damn what happens to your patients" and I quote him, "And if I have any more trouble with you trying to call Dr. Cobb or deviate from the routine of the jail, I'll never let you set foot in this jail again under any circumstances".

CHAIRMAN ALATORRE: Who was that again?

DOCTOR RODEBAUGH: This is Captian Hallen who is in charge of the jail.

At this point he walked out. I realized he was concerned and I realized that on occasion people were upset as it was a very heated situation, but I also think that in respect for farm workers who are also citizens they deserve better treatment than they received in the Fresno County jail.

ASSEMBLYMAN MADDY: Doctor, do you know in terms of the ordinary prisoner, does the jail have a procedure in terms of allowing them to see the doctors?

DOCTOR RODEBAUGH: Yes, they do.

ASSEMBLYMAN MADDY: What is that procedure if you know it?

DOCTOR RODEBAUGH: The prisoner can put in his request for his physician, and the prisoner can see his physician at the jail, and he can see him at any time. He doesn't have to be restricted as we were.

ASSEMBLYMAN MADDY: In the dispensary or where?

DOCTOR RODEBAUGH: I would think that a prisoner can see him right in his cell. I know that some prisoners have psychiatrists see them in their own cells. We have requested to see prisoners in their cells. We thought it would save us a lot of time, but this was refused.

ASSEMBLYMAN MADDY: Thank you very much.

CHAIRMAN ALATORRE: Let me ask Mr. Smoot from the State Department of Justice to come forward, and he will be followed by George Kitahara and Bruce Burkdoll from the Central California Farmers Association. Mr. Smoot, I believe you have a prepared statement?

MR. JOHN SMOOT: Yes, sir, that's correct.

CHAIRMAN ALATORRE: Thank you very much. This will be submitted for the record. If you could summarize your statement, we would appreciate it, and we will enter your entire statement into the record.

MR. SMOOT: Mr. Chairman, members of the Committee, my name is John Smoot. I am the supervisor and special agent for the California Department of Justice assigned to the Division of Law Enforcement. California Department of Justice is headed by Attorney General Evelle Younger. We have prepared this statement to describe the Department of Justice's involvement in the UFW-Teamster Labor conflict. The first two paragraphs deal with our becoming involved in the Coachella Valley on April 19, 1973 and following the problem up in the San Joaquin Valley. I would like to point out that the following suggestions were offered by the Department of Justice to the Sheriffs of Kern, Tulare, Fresno and Merced Counties. These were based on Department's experience in the past situations.

Prepared Statement from Mr. John Smoot:

Department of Justice emergency operating procedures require the assignment of criminal intelligence agents as on-the-scene observers in any emergency situation of major proportion throughout the State. In the case of the UFW/Teamster labor conflict, this order was implemented by

the Director because of information indicating potential violent conflict and the fact that regular law enforcement mutual aid plans were of no value due to restrictions against the use of mutual aid in labor related conflicts.

The UFW/Teamster labor dispute first came to the Department's attention in April 1973 in the Coachella Valley, Riverside County. This conflict erupted over rivalry between the two unions in renegotiating farm labor contracts. Picketing activities by the UFW and the Teamsters occurred in the Coachella Valley resulting in instances of violence including arsons, kidnappings, and assaults. From the Coachella Valley, the problem progressed north into Kern, Tulare, and Fresno counties. As the conflict moved north, incidents of mass picketing and arrests, arsons, and assaults continued.

The emotions and concerns displayed by both unions, members, and organizers indicated that a potentially violent situation did exist. This was compounded by equally negative feelings being expressed by the growers primarily against the UFW.

The role of the Department of Justice was that of impartial observer to gather data to predict future criminal events. This was done to assist local authorities in the deployment of their resources. It was also done to keep the executive branch informed about multi-jurisdictional disorders that could require State involvement. There is no other State agency capable of accomplishing this task.

In addition, the sheriffs of Kern, Tulare, Fresno, and Merced counties were offered the following suggestions based on the Department's experience in past situations:

1. Establish a log of daily events with one command person being responsible.
2. Establish liaison with the District Attorneys and the courts. Attempt to have a deputy District Attorney assigned promptly for on-scene advice on legal matters.
3. Establish an operational plan to include relief of officers and booking operation plans.
4. Establish a citizens' advisory group to consist of not less than five persons. These persons should be responsible members of the community who could independently observe arrest and booking procedures concerned with the strike activity.
5. Investigation. It was also suggested that when incidents or allegations are reported, investigators immediately be assigned to examine the validity of the allegation. If the sheriff feels that the allegations are of sufficient magnitude, he could request investigative assistance from the Enforcement and Investigation Branch.
6. It is advisable for the sheriff's deputies to accept complaint reports in the field when they are received rather than attempting to persuade the complainant to go to some remote location to file his report.
7. Consider "voluntary" mutual aid from surrounding counties.

8. If Mr. Chavez, a representative of the UFW, or the Teamsters decided to meet with the sheriffs, this Department would be willing to have someone sit in as an impartial observer.

The foregoing were received and appreciated by the sheriffs. The Criminal Intelligence Branch is continuing to monitor this problem in order to anticipate any future conflicts which might require local law enforcement action. It should be pointed out, however, that the problem seems to have subsided and the two involved unions appear to be negotiating towards a settlement.

CHAIRMAN ALATORRE: This was prior to April?

MR. SMOOT: No sir, this was on approximately the 20th of July, someplace in that neighborhood. I came to the Valley on the 18th of July and it was a few days thereafter.

CHAIRMAN ALATORRE: Were any of them implemented?

MR. SMOOT: Yes, some of them were. I am not really familiar whether they all were. Some of them were, of course, already being done prior to our suggestions. I do know that Sheriff Willmirth in Fresno County, formed a citizens' advisory group, and I believe the Sheriff in Merced County did likewise.

CHAIRMAN ALATORRE: Let me ask you a question. Yesterday, you heard testimony from the Sheriff of Kern County that he had apprised the Governor and the Attorney General of his feeling for the need of more law enforcement personnel to assist in the Kern County area. And I believe the response from the Attorney General, as was in his prior letter sent to me, that he saw no need to send any added personnel,

because local law enforcement agencies appeared to be handling the situation adequately. Now, was there any contemplated move by the Attorney General to seek out more law enforcement personnel to go into the area or to increase the manpower that evidently was needed in the area?

MR. SMOOT: Well, I and five of my agents came into the Valley on the 18th of July, with the particular purpose of assessing the situation as impartial observers, to determine whether additional forces were needed. Of course, mutual aid could not be invoked under the restriction.

CHAIRMAN ALATORRE: How long were you in the area?

MR. SMOOT: I remained in the area until the 11th of August, continually.

CHAIRMAN ALATORRE: At any time did you feel that there was a need for more law enforcement officers or for more manpower than you put into the area?

MR. SMOOT: On two occasions in Kern County, I felt that the Department was strained almost to its capacity to contain the problem. I did recommend that additional Highway Patrol officers be provided in the area solely for the purpose of enforcing the vehicles on the roadway, not in anyway participate in the activities that the sheriff was having with the picketers off the roadway.

ASSEMBLYMAN MADDY: Do you support the revision of the law regarding the mutual aid?

MR. SMOOT: Would I support them? I would submit that they should be amended. I am certain that the powers that be, when they

considered mutual aid, never considered labor unions fighting one another. I think they were probably trying to avoid mutual aid being used in a strikebreaking situation. But I think in instances such as this, that mutual aid should certainly be allowed to apply, but not necessarily for more manpower, but for additional manpower to afford some relief to the local officers working these long hours in the heat of the summer with the tension in this kind of activity.

ASSEMBLYMAN MOBLEY: Mr. Chairman, I note that there is no statement or comment on this relative to private patrol activities. Did you observe their operations? Do you have any comment on this?

MR. SMOOT: I did not personally observe any of the private patrol activities. I did receive reports from my agents that indicated that persons employed by some of the patrol operators obviously did not have any education in the field of law enforcement. This problem, if my memory serves me correctly, also arose on one occasion in Coachella Valley, and I believe the firm that furnished the private patrolmen down there was a Fresno-based firm. But basically, with the lack of experience on the part of these people hired as guards, I would assume that most of them were not bi-lingual and probably the tensions run very high when you really don't know what the other group is saying about you. But you suspect that they don't like you, for various reasons.

ASSEMBLYMAN MOBLEY: Was there any report made back to your boss relative to private patrol operations?

MR. SMOOT: Not private patrol operations per se. We made reports through our command center in Sacramento no longer than every three hours. And in those instances where anything came to light involving

the patrolmen, they should have been included. I did not personally review all of them to see whether they were or not. Because usually it was not a violation of the law necessarily; it was just mere stupidity on the private partolmen's part.

CHAIRMAN ALATORRE: Any other questions? Thank you very much.

MR. SMOOT: Thank you, sir.

CHAIRMAN ALATORRE: Mr. Kitahara and Mr. Burkdoll. Do you have a statement? If you could be so kind as to summarize the statement, Mr. Kitahara, and I will submit your entire statement as part of the record.

MR. GEORGE KITAHARA: I am George Kitahara, Vice President of the Fresno County Farm Bureau and we represent over 4800 members. Generally we would just like to mention that for several years we have been subject to regular harrassment in the form of vandalism, which included cutting of trees, burning of boxes, packing houses, and storage buildings, vehicles over-turned, haystacks burned, equipment damaged, and physical harm to workers and actual economic damage by boycotts. After this summer the Fresno County Farm Bureau Board of Directors sent a letter of commendation to Sheriff Willmirth stating that our organization felt the Sheriff's Department and officers were doing an excellent job, considering the circumstances, of controlling the actual picketing activities and helping to keep peace at the picket sites. The Board of Directors felt their major concern is that a farm worker under law, be allowed the choice of belonging or not belonging to a union and to which one and not being used as a pawn between two powerful unions. The life of the farm worker and his family must receive protection whatever his choice might be. We have concluded that the law enforcement agencies in this trial situation have done a good

job, but they will never be able to stop all the damages we in agriculture have suffered over the past several years as long as there are those who believe that breaking the law is justified in trying to force unionization. I think that it speaks for itself in Fresno County, that the physical conflict between demonstrators, farm workers, and the farmers has been kept to the minimum. Thank you.

Prepared Statement by Mr. George Kitahara:

I am George Kitahara, Vice President of the Fresno County Farm which represents over 4800 members, the largest farm organization in Fresno County. The Fresno County Farm Bureau leaders have been active in regards to trying to get legislation since 1963 that would set up a legal structure for dealing with union activity in the farm labor field, but as you know, so far the State Legislature and Congress have refused to act.

Now, because of this legislative void, hearings are being held on the ability of state and local agencies to preserve order in farm labor disputes. I assume you will give us a lot of latitude on this subject. It is rather hard for us to comment on this precisely because we do not have a definition of what you mean by farm labor disputes.

We know that for several years agriculture has been subject to a great deal of harrassment, vandalism, cutting of trees and vines, burning of boxes, storage buildings, packing houses, vehicles, hay stacks, punctured tires, threats of physical harm to workers as well as the actual

harm and the boycott of our products.

This summer the Fresno County Farm Bureau sent a letter of commendation to Sheriff Willmirth stating that our organization felt the Sheriff's Department and officers were doing an excellent job controlling the actual picketing activities and helping to keep peace at the picket sites.

The department of the law officers showed they had been given special training in handling crowds. Personally, my observations were, the officers showed good judgement.

Because of the size of the area involved the Sheriff's Department has not been able to stop the vandalism and we doubt very much that they will ever. As long as there are those who continue to believe that the end justifies the means and breaking the law or destroying peoples property is a means to their end purpose there will be vandalism and violence. It doesn't help when some of the clergy, political entities, entertainers and others, lend support to the use of violence or turn their head to it.

We in the Farm Bureau have no delusions that proper state and federal legislation setting rules for secret ballot elections, etc, will stop all the violence in farm labor disputes, but we strongly believe that legislation will help. Our major concern is that the farm workers, under law, be allowed choice of belonging or not belonging to a union and to which one; and not being used as a pawn between powerful unions. The farm worker and his family must receive protection whatever his choice

may be. After all, this is the United States of America and under the constitution every person is supposed to have the right to seek gainful employment.

Agriculture in the area has organized to help the law enforcement agencies keep the peace, protect the farm worker against bodily harm and to protect the growers crops and property from vandalism and destruction. We feel that this has been a very successful project although costly and time consuming. The costs, in no way, can measure the anxiety to the grower and the farm worker as well as the actual cost of time loss, loss of property and crops.

We conclude by saying that we believe in this area that the law enforcement agencies have done a good job, but they will never be able to stop all the damages we in agriculture have suffered over the past several years as long as there are those who believe breaking the law is justified in trying to force unionization on those who don't want it in the name of justice, vandalism will continue. In Fresno County the physical conflict between demonstrators, workers and farmers has been kept to the minimum.

CHAIRMAN ALATORRE: Any questions?

ASSEMBLYMAN MADDY: Mr. Kitahara, speaking from your personal knowledge as a member of the farm bureau, were there private security patrols hired by most of the farmers in your organization?

MR. KITAHARA: Most of the farmers employed their own. There are some farmers in the Farm Bureau that have their own type of patrols, yes.

ASSEMBLYMAN MADDY: They generally consist of a large . . .?

MR. KITAHARA: Generally large corporate farms and large land owners.

CHAIRMAN ALATORRE: Any other questions? Thank you very much. Mr. Burkdoll. Your name for the record, please?

MR. BRUCE BURKDOLL: Yes, my name is Mr. Bruce Burkdoll. I am a grower in the Cutler area, which is in the extreme north end of Tulare County. I am President of Central California Farmers Association which is located in the Dinuba area. We have approximately 800 members in our association and we are organized for the express purpose to see to it that none of our growers lose a crop due to labor strikes or shortage of labor. Consequently, this led to my participation for the past 12 or 13 years. I have been President of the association for the past five. But this year I did participate for six weeks, on the picket lines of Tulare and Fresno Counties.

Now, one area I would like to speak to you just a little bit about is injunctions. We have for the last two days been talking about injunctions and speaking generally as one picket per 100 feet. In the early part of the strike this year some of the temporary restraint orders that were issued did say one person 100 feet. They were corrected shortly after that and, when they were made permanent injunctions, I believe some of them said two persons to 100 feet and later on they were amended to read one person every 20 feet. Some of them did read one person every 10 feet, but at no time was there any injunction that I know of which our association paid for, because we paid for

the injunctions that our members felt that they had to have. None of them was made for one person per 100 feet. I think that was one thing.

Now, one other thing that I witnessed personally and which has been discussed on considerable length at these two hearings is plastic hand cuffs. I was on the premises of Delano farm one morning about daylight at which time two people were arrested. There were, I believe, three deputies from Fresno County there that morning and they were attempting to arrest a gentleman-I don't know his name- for throwing a rock at a bus. There were approximately 20 farmers there, and the deputies were attacked by the pickets; probably 75 people were there. And I feel that if it had not been for the farmers who formed a half-moon shape between the pickets and the deputies, at that time there would have been possible bloodshed.

CHAIRMAN ALATORRE: Were any arrests made?

MR. BURKDOLL: Yes, there were two at that time.

CHAIRMAN ALATORRE: Where was this located?

MR. BURKDOLL: The Duregal farms. Now I personally witnessed the deputy as he placed the plastic hand cuffs on one lady. She pulled her shirtsleeves down past her wrist so that he could place the plastic cuffs over the shirtsleeves so that it would not cut her hand. Now as to how tight it was I don't know, but I assume they tighten them up a little better or people get out of them. But I later asked the sergeant why the lady was placed under arrest. I knew what I saw and I was closer than from here to you, and he said she was trying to get a Deputy's gun. That's what I thought was taking place

but I wanted to get his reason for arresting her.

CHAIRMAN ALATORRE: What is your point about plastic hand cuffs?

MR. BURKDOLL: Well, you've been dealing with this now for two days with the idea in mind that there is some cruelty in placing plastic hand cuffs on people, in that the Deputies might have used them indiscriminently. I just wanted to point out something that I personally witnessed. Violence is what we're talking about. I want to personally testify to the fact that I saw this deputy take caution to place this hand cuff on this lady.

CHAIRMAN ALATORRE: Yes, but can you make from just that one observation the general statement that in fact there couldn't have been some misuse of the plastic hand cuff?

MR. BURKDOLL: No, I cannot.

CHAIRMAN ALATORRE: Very good. Continue.

MR. DURKDOLL: Our organization worked on the ranches where 430 arrests were made in one day.

CHIARMAN ALATORRE: Do you remember the date, sir?

MR. BURKDOLL: I can't tell you a date but I can tell you an approximate date. It was between the 18th and the 22nd, it could have been on the 20th. I'm not sure.

CHAIRMAN ALATORRE: Of July?

MR. BURKDOLL: Yes, in July. Now, at that time the arrests were made for violation of the court order. The people did submit to arrests; they asked to be arrested. There were six people who could not get on the buses that morning, and one of the deputies told them, "If you want to be arrested, you'll have to get in your car and follow us to Jensen and McCall", and I did personally see those people get into a car and

follow the buses. Where they went, I don't know.

CHAIRMAN ALATORRE: Very cooperative.

MR. BURKDOLL: On one ranch the day before we did have approximately 100 people enter the field, charge the field, and we had a crew of 40 people working there. They ran as far as 1300 feet into the field and ran those people out of the field, all except five or six people. Those five or six people could not get their car started and we did not leave. At that point, myself and one other person stood between those people. At that time I did take a shotgun from my pickup. I ordered the people to leave the field or I would shoot. Part of them did leave, part of them did not. I backed up farther into the next field. I ordered the people to leave again. Some of them did and some did not. I fired two shots into the air and ordered them to leave again. All this time I was giving ground and backing up because I figured if I was going to have to shoot, I had 25 or 30 people facing me, myself and one other person, and I felt if I did have to shoot, I didn't want to kill anybody and I wanted to shoot at their feet. I was trying to get distance between me and them. At that time some people did jump into the back of my pickup, and I asked another person who had come by this time to please get my pickup and drive it farther into the field, which he did. At that time the Deputies commenced to arrive into the field and the people did leave and averted any trouble.

Now I do feel that the things can be done to avert this--I think we do have to have injunctions. Now I think that injunctions are legal. It has been stated here today that they are illegal. I think the courts here in Fresno, here this past season, had a five-day hearing which cost

our Association some \$8,000 to participate in legal fees, and they upheld those injunctions. I believe those court injunctions are the only reason we averted bloodshed in our area. I feel that those court orders--they don't have to be two people over a hundred feet--but they do have to restrict people to the point where you can identify who is throwing rocks, who is breaking windshields, and this type of thing.

CHAIRMAN ALATORRE: Are any of your members under Union contracts, yet?

MR. BURKDOLL: No sir.

CHAIRMAN ALATORRE: Did any of your members hire or use security guards during the farm labor dispute?

MR. BURKDOLL: Not that I know of, no.

CHAIRMAN ALATORRE: Were any of your members or their employees armed with weapons during the height of the farm labor dispute?

MR. BURKDOLL: I can't answer that other than for myself. I have made a statement as to my own actions. I did carry a shotgun with me at times. My life was threatened many times. There were two special occasions when I was singled out by people from the picket lines and talked to fairly well in confidence. They said, "Tomorrow, you S.O.B., we'll get you. You'd better be ready." I can't answer whether or not other people had arms, but I would assume that some did.

CHAIRMAN ALATORRE: Do you have anything else to state, sir?

MR. BURKDOLL: That's all.

CHAIRMAN ALATORRE: Any questions?

ASSEMBLYMAN MOBLEY: I have a question. How many members are in your organization?

MR. BURKDOLL: About 800 members.

ASSEMBLYMAN MOBLEY: How many acres do you think they represent?

MR. BURKDOLL: I myself farm 120 acres. I would say I'm probably an average grower. We have some growers as big as 2,000 acres. I would say the average would probably be 120 to 160 acres.

CHAIRMAN ALATORRE: Very good. Thank you very much. Ramon and Barbara Salinas. I would appreciate some order please. State your names.

RAMON SALINAS: My name is Ramon Salinas.

BARBARA SALINAS: Barbara Salinas. We're from Wasco and we have prepared a statement. We just wanted to let you know we do have some trouble. We were working with Roberts Farms and it was sometime in June. We were going to work and we were shot. My husband and I had already been threatened because my husband drove a bus and we carried the farm workers to and from work. We had been threatened several times because several of the strikers would follow behind the bus to several places where we'd leave off the people. Later another driver was hired and we were followed behind the bus in our pickup when we were going to work about 5:30 in the morning when we were shot by a Colt 43. I was hit on the side of the door. There was a lady who got the license number of the vehicle and we tried to contact the lady. She followed the car but was unable to catch up with them and she radioed for help and they did catch the car. The vehicle had been moved and the motor was warm, and they said they did this every morning to charge up the battery. The officer came and took a report and they asked us to sign a complaint, and we went in but later the Judge told us in Wasco, they couldn't do anything about it because we didn't see the people pick up the weapon and shoot at us. So that's as far as it went. Later on

about two weeks after that my husband was again driving the bus down the highway when several other picketers followed the bus and tried to run the bus off the highway. This was on Highway 99. So I don't see how you people here can listen to all their side and get on their side of what the workers do to them and the violence that has been done and not our side also, because it seems like I've been sitting here and hearing all these things that they've been beaten, all the violence that has been done to them. We have had some done to us, too.

CHAIRMAN ALATORRE: I understand that, Madame, that's why we are having you testify. Do you want to make a statement? Did you have any other. . . ?

BARBARA SALINAS: No, I just thought that I'd come in. If I'd have known, I'd have prepared something better, but I thought it was about time that since they are whitewashing Chavez and his people, people are thinking he's so holy and all his people, and while I was sitting back here, they cursed at us and I didn't say anything back at them, but they were using pretty vile language against some of these ladies back here. It seemed to me like it should have been stopped.

CHAIRMAN ALATORRE: I made some attempts to try and get it stopped, madame.

BARBARA SALINAS: I don't think any of these women here have anything to do with the farm workers, and I hope you do deal with this problem once and for all.

CHAIRMAN ALATORRE: We hope to. Thank you very much. Mr. Bereman.

MR. ROBERT BEREMAN: Thank you very much. May I first apologize

for being late. I know the Committee expected me earlier, but I was tied up with four Superior Court Judges, and if you've ever been in meetings called by judges, you know you don't walk out at your pleasure.

I don't have a prepared statement. My name is Robert G. Bereman, I'm the District Attorney of Tulare County. I would merely like to state prior to being questioned by the Committee if the Committee does have questions, that it has been my policy in Tulare County, since I have been District Attorney since 1966, in matters of the type we are concerned with today that the District Attorney's office is strictly impartial with respect to the filing of complaints as I know members of the Committee are aware. The District Attorney's office is not on the front line in these matters that are the subject of the hearings these days. We usually are asked for legal advice or we are asked to file complaints. Our position and our basic policy stated very simply is that, regardless of whether the complaint is by a rancher or a grower against a picket, or a complaint is by a picket against a security guard or a rancher or a grower, if there is evidence to support the charge, we file it and we prosecute it. I believe the record in Tulare County will support that statement.

CHAIRMAN ALATORRE: May I ask you a question? We listened to some testimony from the District Attorney in Kern County and I'd like to ask you the same question that I posed him. Did you involve yourself at any time in civil suits that were filed by growers or by other parties? Did your office enter into any of the civil suits?

MR. BEREMAN: No, we have not been a party to any civil suits. We

have indirectly been involved, of course, in arrests that were made as a result of the violation of injunctions that were issued to growers, and, of course, those would be civil as the Chairman knows.

CHAIRMAN ALATORRE: How many cases are still pending in your office at the present time?

MR. BEREMAN: As far as this year's difficulties are concerned, we have at the present time approximately 54 cases pending that were filed against picketers or strikers. We have approximately 8 pending that were filed by strikers, most of them I believe members of the United Farm Workers against others.

CHAIRMAN ALATORRE: Can you tell me about the citation system for getting people out of jail?

MR. BEREMAN: The citation system is used fairly generally in Tulare County except it was not used in these situations, and I'm unable to answer. I imagine the Sheriff or his representatives could undoubtedly answer that question. But as far as its use is concerned, I believe that the problem would be this -- if the citation system were used and we found it, of course, even in bail situation that the person who was arrested, if he were immediately bailed or, I think this would apply to a citation system, immediately went back to where he was arrested and engaged in the same or similar types of activities that he was engaged in before, and we then found ourselves faced with multiple arrest of the same persons within a very short period of time.

CHAIRMAN ALATORRE: Any questions? Thank you very much, sir.
Your name?

MS. LIZA HERSCH: My name is Liza Hersch. I'm a student from Portland, Oregon. I'm speaking to you as a member this summer of the

legal department in Fresno County. And it was my duty to be basically in charge of the coordination of the legal department activities from gathering evidence, to fight the injunctions, to the care of the prisoners who were in jail, and all the work we had to do. Which means I had a great deal of contact with Sheriff Willmirth, with the District Attorney, as well as many of the other undersheriffs and people in the Sheriff's department.

I'm speaking mostly to substantiate or to corroborate what Cesar Chavez has said earlier today. It was through the Department where I was working that we received the injunctions. Therefore, we knew who was served and also who was eligible to accept service on behalf of the union. That was the basis of our training that the Union was served improperly on several occasions even though service was eventually corrected, it was not corrected in time.

We also caught the Bar Packing Company injunction which was given through Judge Paddorh with improper descriptions--lack of descriptions of property where Bar handles many growers' packing and work. We would arrive at property and have picket lines and have no idea that we had an injunction there, and this was the cause of several arrests. However, as a result of protesting this on August 9th, we received a modification of that injunction which did state all the property and all the property lines that were involved.

One thing that was not mentioned by any of the people who testified earlier was they thought there were illegals in Fresno County being used by the growers to break our strike. It would not be productive here to give you the documentation of what we find out, we do have documentation of the transportation into Fresno County as well as

where they lived -- some of them at least.

ASSEMBLYMAN NIMMO: Pardon me, question. Is your testimony that there were illegal aliens imported into Fresno County for the purpose of strikebreaking?

MS. HERSCH: No, I would not be right to speak on the motive, but they were breaking the strike and they were imported.

ASSEMBLYMAN NIMMO: Could you say categorically that there were no illegals engaged in picketing activities?

MS. HERSCH: I couldn't say categorically -- no. I observed quite a few of the arrests that went on. Mostly at the corner of Jensen and McCall where many of the arrests took place.

Another thing that was not mentioned by any of the previous witnesses is that the Highway Patrol as well as the Sheriff's Department was often involved in mass arrest situations, and in general their role was to cordon off the streets on either side of where the picket lines were, thereby blocking people who were bringing orders to disperse and therefore causing their arrests, even though some of these people did not intend to stay to get arrested and did try to leave.

Members of the legal department documented the gun brandishing of one of the growers or the grower's superintendent as well as documenting the arming of scabs at another ranch. There were members of the United Farm Workers staff that were followed around by growers who were part of the group that was often inside the fields, that the groups went around in caravans and was seen given grape stakes for the workers to use, presumably as weapons, and who were armed themselves.

At one instance, they followed for sometime when we left and were driving back to the office. Another time I was run off the road

late at night when I was driving around. These particular incidents we did not make formal complaints of, but we did notify the Sheriff. In subsequent discussions with the Sheriff's Department, we were told nothing had been done to find out who these people were or do anything about it.

ASSEMBLYMAN MADDY: In your complaint that you made, did you attempt to identify the people?

MS. HERSCH: Yes, we identified them by way of license numbers. That's all we had outside of some physical descriptions.

ASSEMBLYMAN MADDY: What was the disposition of your complaints?

MS. HERSCH: As I said, we did not attempt to make written complaint of this. We did, however, because what was suggested by the Justice Department officials who were coming in to speak with us, we were told that it would be sufficient in these cases to orally notify the Sheriff's Department, which we did, and not only received no results but were told several days later that they didn't even bother to write them down.

CHAIRMAN ALATORRE: Did you talk to one specific person or did you talk to many?

MS. HERSCH: We did talk to many in this case. We did talk to a Captain. I really don't remember his name and also at one point to Sheriff McKinney. But we were told by a sergeant that the notice was not even bothered to be written down.

ASSEMBLYMAN MADDY: Do you know what his name is?

MS. HERSCH: No I don't. This was told to one of the legal aides-- not me.

ASSEMBLYMAN MADDY: Do you know whether or not you or any members

of the legal staff made any formal complaints with the District Attorney's office?

MS. HERSCH: Well, not on behalf of ourselves, though we did go with members of the picket lines to do so.

ASSEMBLYMAN MADDY: In the District Attorney's office?

MS. HERSCH: Yes.

ASSEMBLYMAN MADDY: And were you ever denied access to any of the. .

MS. HERSCH: Not in the complaints we tried to make here. I'm speaking from my experience. However, Mr. Haberfelt did encounter...

ASSEMBLYMAN MADDY: That's what I'd like to have you do. I'd like to have your experiences because that is what you can testify to. When you went to the District Attorney's office to file formal complaints on behalf of members of the Union, those complaints were filed. Is that right?

MS. HERSCH: Yes. I only went once because there were other members of the Department who also filed.

I dealt with Lieutenant Cunningham who is in charge of the Industrial Farm a great deal. It was reported to me innumerous times the difficulties our legal staff had in doing its job. Its job was to talk to the prisoners--to get into see them. We were supposed to have somewhat free access to them. We were not visitors, we were there to give legal advise and etc. Innumerable times we were refused entrance in the Industrial Farm and given all kinds of run-arounds.

ASSEMBLYMAN MOBLEY: May I ask you a question? Are you a lawyer?

MS. HERSCH: No, I'm not. I'm serving as a legal aide.

CHAIRMAN ALATORRE: Were you ever denied access?

MS. HERSCH: Mr. Haberfelt was denied access once at the County

jail at night, and for the most part the time that the lawyers got, was that they ended up getting night access, but they had to stand around and wait around for hours--they were sort of given the run-around. It was not a normal treatment for lawyers to have that happen, by any means.

ASSEMBLYMAN MOBLEY: If I can ask another question. Did you personally develop any kind of a writ for these people? Is that part of your job to draw any legal papers on any complaint or anything of this nature?

MS. HERSCH: No, the only legal papers I personally was involved in drawing up were declarations, affidavits, not writs. That was all handled by the lawyers. My job was not to act as an attorney at all, but rather to get the work to the people that could do it, namely the attorneys.

In innumerable instances we were not allowed to do our job. We were not allowed to get into the prison to let them know what was going on in their cases, which is essential when they are in jail and have no other means of communication; and many times we were not allowed to do that.

ASSEMBLYMAN MADDY: You were advised what the jail procedure is in terms of allowing admittance to non-lawyers to talk with them?

MS. HERSCH: We were told initially when the first arrest occurred...

ASSEMBLYMAN MADDY: That there were going to be exceptions made to your case?

MS. HERSCH: Yes, definitely.

ASSEMBLYMAN MADDY: I think it should be made clear, Mr. Chairman, that the exceptions were for legal aides -- non-lawyers -- to involve

themselves with people arrested -- those are exceptions. It is not the normal rule that non-lawyers are admitted into the jails to talk with prisoners.

MS. HERSCH: Likewise, it is not the normal rule that so many people were arrested.

ASSEMBLYMAN MADDY: True. I think that's part of what we're looking at here, that this was an unusual situation, and there were some exceptions made.

MS. HERSCH: However, they were made initially, and they were made in a very formal way, I don't know what his rank is, but Mr. Popaloe was one with whom I dealt to give the names of the people who would be allowed in the jails. So even though after this agreement was made and on paper by a written stipulation between us and between the attorney and him, they were still violated; and they were violated inconsistently in such a way that it was clear it was harassment and not particularly that we were obstructing their job or anything like that. We were simply not allowed to do what our job required.

As a formal corroboration, we were the ones who took declarations and with positive IDs of individual sheriff's deputies of those who were beaten in jail, the nine who were beaten on the 20th. As well, we interviewed the three women who were shackled after they protested, on behalf of all the women in jail, to get their one phone call at the Industrial Farm, and since they were the only ones who raised any kind of a stink, they were the only ones who were allowed to make phone calls and that was under rather brutal conditions that our declarations attest to.

ASSEMBLYMAN MADDY: What was the date?

MS. HERSCH: I think it was after the arrest on the 25th. I have to check that. I think it was of the arrest on that date, but I'm not absolutely certain on that; if I could check on that in a moment.

ASSEMBLYMAN MADDY: If you would because Mr. Rodriguez and I were in the Industrial Farm on the 23rd and spoke to the women as well as the men.

MS. HERSCH: Did you speak to these three women?

ASSEMBLYMAN MADDY: No, we spoke to the whole group. They all had access to us in terms of complaints in regard to the use of the telephone and some of the things that you mentioned.

MS. HERSCH: I will check on that and get it to you. The jail conditions that Mr. Chavez described this morning, he was certainly not the only one to observe them. Many times in the course of our visits -- our procedure was to visit the prisoners -- some members of the legal department were to speak to each person every night because things were happening at such a rate that it required visits of that frequency to let people know what was going on.

ASSEMBLYMAN MADDY: How many personnel were assigned to that job?

MS. HERSCH: I think at the time when the number was greatest, there was close to 20.

ASSEMBLYMAN MADDY: You had 20 personnel, and how much time did you have with each prisoner?

MS. HERSCH: We never had an agreement with that kind of time limit.

ASSEMBLYMAN MADDY: If you wanted to speak to each one of the prisoners individually?

MS. HERSCH: Well, not in a situation where we wanted to take them out of the cells into a room the way the lawyers have an interview. What they did to save time, was have us go to the cells so that we could communicate with every prisoner without sitting and having individual conversations.

ASSEMBLYMAN MADDY: Did you place a time limit on it? I'm thinking now that they had at one time 400 prisoners...

MS. HERSCH: 450 prisoners.

ASSEMBLYMAN MADDY: 450 at one time, if each one of you wanted to speak individually to those 450 men every evening as to what impact that would have on the jail procedure? How long a period of time would you want to spend in each cell or in the Industrial Farm on each evening?

MS. HERSCH: We did not speak for any specific lengths of time and we always cooperated with the Sheriffs when they wanted us to move more quickly. We never did spend a whole lot of time. . .

ASSEMBLYMAN MADDY: On the average, how long did they allow you to spend with them in general?

MS. HERSCH: I think in general it was usually about a half hour or so in each cell block, which is about 30 people.

ASSEMBLYMAN MADDY: Tell us about how long you totally spent in the jails or the Industrial Farm each night?

MS. HERSCH: It varied. I couldn't give you an average. I think maybe people would spend maybe three hours in one night in jail because we sent different groups of people to the Industrial Farms and Juvenile Hall.

ASSEMBLYMAN MADDY: You feel that was not in any way interfering with the normal procedure of the jail operations to ask to spend three hours every evening with the prisoners which was an unusual procedure to begin with, an exception, was it not?

MS. HERSCH: That wasn't any question that we concerned ourselves with.

ASSEMBLYMAN MADDY: You did not concern yourselves with that?

MS. HERSCH: We did not. We complied with the Sheriff's Department's wishes after the agreement was made that we could make the visits. We complied with their wishes regarding our movement and our speed. So that's all the concern that we deemed was necessary. As well we saw the change in attitude or policies of the Sheriff's Department towards us when the Justice Department stepped in and asked for conditions to be changed or just asked to see what was going on. And as well, when the religious people came from all over the country to join our picket lines and some were subsequently arrested, it was also profound to see how different the attitude of the Sheriff's Department was toward the prisoners and toward the legal staff.

CHAIRMAN ALATORRE: We've listened to testimony today from the Sheriff and it was his observation that in fact there was no change in the manner in which prisoners were treated after the clergy had come in. What changes did you see during this period of time?

MS. HERSCH: First of all, it was not just the clergy but when the Justice Department stepped in. For one thing, the afternoon the Justice Department first visited, immediately blankets appeared, immediately the same day, the cells in the county jails that had been kept close to 90 degrees for about two day, all of a sudden there was a cooling system that could be used.

CHAIRMAN ALATORRE: Was advance notice given to the jailer or the Sheriff that the investigators for the Justice Department were going to appear and take a tour of the jail?

MS. HERSCH: I don't know. I don't know how they went about it. Certainly I know they weren't allowed in until they had clued whoever was in charge of the jail at the time. But we were not really involved in their operation.

ASSEMBLYMAN MOBLEY: Mr. Chairman, can I ask what were the specific dates that you recall that these changes occurred?

MS. HERSCH: I don't remember the specific date. As soon as the 450 people were in jail--all of them-- as of that day then those that ended up in jail for nearly two weeks had just gotten in, it was two days after that the conditions changed. I'm sorry I don't have the date right here. I'm not really sure but I will get it.

Actually, I don't really have anything further to testify on except I did want to put on the record the addition the role that the Highway Patrol played in blocking people from being arrested. We certainly do not know what dealings went on between the two police bodies, but it ended up in people being blocked, but the Highway Patrol played a role that has not been mentioned before. And its role is illegal and its power has not been mentioned. In every other area where we have had a strike, it has not been raised here. Also I would want the Committee to know that I don't think the Committee ought to just take my word, but I'm testifying so that you will know that the evidence that we gathered is on hand and the Committee can contact the legal department at Kenne to obtain it.

ASSEMBLYMAN MADDY: Mr. Chairman. I would be very interested in the dates you mentioned that major changes were made because again, my major purpose and I'm sure that of the other members of the legislative bodies in this County who visited the jail together with the statements I've introduced in record for Senator Moscone when he visited here, all dispute what you said unless the dates are different. In other words, you are talking about when the 450 people were in jail. I was there before that.

MS. HERSCH: Moscone visited when they were all in jail?

ASSEMBLYMAN MADDY: Yes. In fact, I was there the day they were admitted to jail along with Mr. Rodriguez so I would be very interested to know when you claim that those major changes were made.

CHAIRMAN ALATORRE: Can you get the dates for Assemblyman Maddy and can you let the consultant know so we can also put that in the record -- the dates you were talking about when you saw the changes in the jail conditions in the Fresno County jail.

MS. HERSCH: I will get those for you. Thank you very much.

CHAIRMAN ALATORRE: Thank you. This concludes the hearings this afternoon. Let me just thank each and every one of you for the cooperation that you have given the members of this Committee. For those of you that testified, I thank you for taking the time, and also those of you who did not testify but showed an interest in this area. It's a most difficult area and we recognize that there were a lot of emotions displayed. There were a lot of allegations and a lot of charges that have been made over the last two days. Let me just assure you of one thing, that upon the adjournment of this Committee, I will be contacting the Speaker for the purposes of setting up a hearing so that we can devote some time to look at the whole question of the private patrols for

the purposes of trying to enact legislation if in fact we deem it necessary. It's just that over the two-day period we have listened to testimony and I think it is somewhat of a consensus on the part of the people that we have had testifying, mainly law enforcement, that some minimum regulations have to be enacted for the control and the public safety of those people involved. And I will also be asking the Attorney General to rule on the legality of the District Attorney's involvement in civil disputes, namely, civil contempt orders. Do any of the other members have any concluding statements? I thank you very much again on behalf of the Committee and I assure you that we will take the testimony that has been given over the two-day period very seriously and hopefully we can enact legislation so that the things that took place during this current farm labor dispute do not happen again and rectify the situation.

Thank you very much.

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